

**MOAB CITY COUNCIL MINUTES--DRAFT  
REGULAR CITY COUNCIL MEETING  
September 24, 2019**

The Moab City Council held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. An audio recording of the evening meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=4d1fPmd8hCk>.

***Executive Closed Session:***

Councilmember Tawny Knuteson-Boyd moved to enter an Executive Closed Session to Discuss Reasonably Imminent and/or Pending Litigation. Councilmember Kalen Jones seconded the motion. The motion passed 5-0 aye, with Councilmembers Derasary, Knuteson-Boyd, Jones, Guzman-Newton, and Duncan voting aye. Mayor Emily Niehaus called the Executive Session to order at 6:30 PM. Councilmember Karen Guzman-Newton moved to end the Executive Closed Session. Councilmember Rani Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Derasary, Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus ended the Executive Closed session at 6:56 PM.

***Regular Meeting—Call to Order and Attendance:***

Mayor Niehaus called the meeting to order at 7:05 PM and led the Pledge of Allegiance. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Also, in attendance were City Manager Joel Linares, City Attorney Chris McAnany, Finance Director Rachel Stenta, City Engineer Chuck Williams, Recorder Sommar Johnson and Deputy Recorder Joey Allred. Seventeen members of the public and media were present.

***Presentation by City Manager:*** City Manager Joel Linares said that the plaque that he had meant to present didn't arrive. He requested that this presentation wait until the next meeting.

***Approval of Minutes:*** August 27, 2019 Regular Meeting Minutes.

***Discussion:*** Councilmember Derasary stated that she had made some changes to the minutes. Councilmember Duncan said that he had requested some changes, as well. Mayor Niehaus noted that she had also requested changes on the Google Drive document. It was noted that the changes had been made prior to this meeting.

***Motion and Vote:*** Councilmember Derasary moved to approve the August 27, 2019 regular meeting minutes. Councilmember Duncan seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Mayor and Council Reports:*** Mayor Niehaus reported that she participated in interviews for the Treasurer, news pending. She attended an EMS meeting and they will be reporting later the agenda. She attended the ULCT (Utah League of Cities and Towns) annual convention as a board member to represent Southeast Utah. She moderated a panel on housing at that conference. She participated in a selection committee of new members. She moderated a Rural Caucus with Mayor Biermann from Park City on resort communities. As a member for the Board for the Association of Local Government, she attended a CEDS meeting, Comprehensive Economic Development Strategies, in which she was sure to weave all of Moab's strengths, weaknesses, opportunities and threats (SWOT), which is a guiding document for the Association of Local Governments. She attended the Aggie Boulevard ribbon cutting ceremony where she cut

the ribbon with former Mayor Dave Sakrison. She also participated in a Rural Health Focus Group with the Chief and Assistant Chief. The hospital is doing a series of those groups to make sure that they are listening to the community. They are a non-profit, so they can have a little more flexibility and they are required to do outreach. She attended the County's TRT Emergency meeting to hear where they are with TRT reform and it prompted an idea to meet with Elaine from the Travel Council and Lacey from the Chamber to make sure that they know that the City is supportive of whatever the County chooses to do with this TRT reform, but that they want to make sure that they show a unified front as leaders in the community and to make sure that the Chamber, Travel Council, the City and the County are all communicating about how they are addressing the community's infrastructure needs, where they are going to be looking for funding, and be collaborative instead of looking at who might be the villain.

Councilmember Derasary reported that she attended the ULCT meeting, as well. One of the sessions was on the installation of 5G cell towers in the area, which taught them about the infrastructure that might come in and what wriggle room, if any, the City might have on things that get installed and what fees they can charge. There was a workshop on changes on Medical Marijuana and industrial Hemp. There are several industrial hemp growers around Cicso, and Spanish Valley, and there are two in Blanding. She attended a workshop that was more relevant to cities that charge a property tax but, is relevant to counties and special service districts, about transportation funds available through transportation reinvestment zones and the state infrastructure bank. She attended a water banking workshop where they talked about pending legislation in January to allow a pilot program whereby communities could bank their water rights. It's a little complicated to get into, but it sounded like worthwhile legislation that the Council will want to get behind and it would be optional and local for communities and help them keep their water rights local. She also attended a workshop on long-term open space planning as Utah communities look towards 2050. She mentioned that the UMTRA project reached its goal of moving the first 10 million tones and there will be a celebration in town on October 8<sup>th</sup> when Representative John Curtis will be here. It will be held at Lion's Park and there will be information available. She recently received a few questions regarding the MAPS Senior Housing project. Some residents are asking if Park Drive is going to connect because there seems to be construction on both sides of the project. She said that she wanted to make sure that people understand that the reason they are seeing work on both sides is because they are temporarily doing waterline work on the other side.

Councilmember Duncan stated that he wanted to go on record to publicly thank the City and, in particular, Jeff Kelly for doing a lot of work for the Memorandum of Understanding on behalf of the Moab Irrigation Company, to deal with a drain for one of the City's lines through town. It was much appreciated, so thanks again Jeff, Oscar and Ken Minor. He said that there is a lot of stuff going on at the Water Advisory Board. Dana Van Horne attended, and the idea was thrown out of piping the winter overflow from the City's tank at Power Dam up to the County. This is water that currently goes to the Colorado River in the wintertime and he had calculated that they were talking about tens of acre feet, so it's not an insignificant amount of water. Dana is looking to see how much it would cost them to do that. It wouldn't cost the City anything. At a MOPS meeting held by Arne Hultquist. Kris Walkowski, a USGS Geologist was there and USGS has published another Journal article based on the one that they did for the City, doing a better job of tracing isotopes to allow them to find out where the water came from. The bottom line is that their groundwater estimates have been generous so far, giving the area some room to grow around, but they think that withdrawals beyond 3,300-acre feet per year would be depleting storage in the aquifer. Currently, the "City takes a little shy of 2,000 and the County takes about 1,000. If that number holds up, we're already on shaky ground". He said that he hasn't read the Journal article yet, but he's interested in doing so. He thanked Chris Baird because he sent him

some County budget TRT revenue information, from which he had generated some spreadsheets and he took options for the next decade or more of what different growth scenarios would look like. He thanked Mayor Niehaus and Councilmember Guzman-Newton for going to the TRT revision meeting. He is trying to look at what Representative Albrecht proposes vs. a couple of alternatives. He likes what they are talking about so far “so we’re all on the same page”, and he thought it was a big step forward.

Councilmember Knuteson-Boyd reported that she also attended the ULCT conference and thought that most of the workshops were pretty good. She welcomed the Red Cross on the 14<sup>th</sup> and thanked Wells Fargo. The two entities partnered together to install smoke detectors. The Red Cross has a program where they partner with a city, a municipality or a private entity, and they break up into teams of three and install up to three smoke alarms in homes that don’t have them. There are no income verifications, they are free “and they just do it for you.” If a person is hearing impaired, they have a place on their website where you can sign up for a bed shaker. She attended a Museum Board meeting. They are moving along very slowly toward their grand opening. They are recreating the topographical map that was in the old museum and it’s slowing things down. There has been talk about opening without it, but a decision hasn’t been made yet. The displays are coming along, the drawings look nice and they’ve moved everything back into the museum. There will be some permanent displays and there will be some methods by which they can change out displays and reconfigure walls to bring in traveling displays. She thinks it will be a very nice museum. They are considering ideas for fundraising and looking at ways for the museum to sustain itself. She attended the ribbon cutting and “it was definitely a feel-good moment”. She attended a Housing Authority meeting. Their financials are in good shape and they have gotten a couple of grants that they don’t normally get, so they are going to be able to do some additional work. Construction has begun on the MAPS subdivision and Wingate Village. Their Mutual Self-Help open house in Blanding was well attended and there were some people that picked up packets for that. Land to build on for the Housing Authority is becoming more and more scarce, so they are always on the lookout for a good piece of property to do self-help homes or to do rehabs on.

Councilmember Guzman-Newton reported that she had attended two new business ribbon cuttings. She attended the opening for the Donut Shop on Center Street and Café Italiano celebrated their first-year anniversary and they are the new owners of the Tropical Snow, shaved ice next door to their coffee espresso bar. There are a lot of social events that happened in the community over the past two weeks. She attended the Dancing with the Moab Stars annual fundraising event for the Multi-Cultural Center and thought that it was cool to see how many different countries are represented in this small community. She attended the 50<sup>th</sup> anniversary of the creation of the Mystic Rock Trail and was able to participate with some junior high students doing trail maintenance on Saturday morning and attended the celebration in the evening where a documentary film was shown on the creation of the Slick Rock Trail, which was made possible by the idea of a local teacher and reporter for The Times Independent, Dick Wilson, and collaboration from the BLM Area Manager at the time, Doug Wood. She also attended the emergency meeting in the Grand County Council Chambers with the Travel Council to discuss the bill that Representative Albrecht is proposing where 15% of the TRT finding would be given to the Grand County Council for mitigation, taking the promotion funding from 47% to 32%. Then she was fortunate enough to see Pluto and her four moons and Saturn and all her striations at the ribbon-cutting ceremony for Arches National Park as it was designated an International Dark Sky Park.

Councilmember Jones reported that he attended the monthly Travel Council meeting where The Folk Festival gave a presentation. They are up over 40% compared to 2014 in year-to-date sales,

they're up 8% this year relative to last, 60% of the marketing has been to the Western Slope, but they are shifting a little to the California area this year. They are planning on four free concerts in 2020. For 2019 about 45% of the attendees were from out of the area, including 24 states and six countries. Some of the folks who attended the last concert may have travelled to see that particular band. The Travel Council is looking at Chicago and Arizona for future marketing emphasis to try to go for more of an income-based draw rather than just quantity as far as who visits the area. There is a new Moab Hospitality Action Network. It's a group to facilitate more dialogue among businesses. They are going to focus on gathering and disseminating data about their industry. The Travel Council is planning to lease the billboard across from South Maverick and do a "local messaging there". They are also going to have a Town Hall meeting October 28<sup>th</sup> on that campaign to facilitate community awareness of what that campaign is all about. Mayor Niehaus asked if he was the Travel Council liaison? He said that he is planning to attend informally and then, maybe in January of 2020 when the new Council looks at Board Assignments, that could be formalized. The state will have one enforcement officer in Southeastern Utah and one in Southwestern Utah to make sure that STR's (short-term rentals) are playing by the rules, because they are concerned about getting all their tax money. He had a meeting with the Housing Authority to talk about getting George Luther from Vail here to give a presentation. Hopefully that will get some dialogue started about possibly having a similar program here. He attended a couple of Festival of Science events and it was nice to talk to some of the local scientists and the work they are doing. He attended the Capital Improvement Plan Prioritization Matrix meeting with department heads. He attended the International Dark Sky Park Award Ceremony and said that Mayor Niehaus gave a great impromptu speech. He attended a Solid Waste District Board Retreat getting ready for the Fall budgeting process.

Mayor Niehaus took a moment to thank City Manager Linares for doing such a great job. She said that the City has really stabilized itself. Linares said that it is what the staff here does that makes him get credit for doing a great job. He attended the USU ribbon cutting as well and said that it is an awesome road and it's an awesome dream that's happening there.

**Administrative Report:** Linares started by thanking the Public Works Facility Department and the Police Department for their service during Friday's Homecoming parade, because there is a lot of work that goes into that that doesn't always get seen. He said that there has been a lot of media coverage of the City over the past two weeks. He said that he also attended the ULCT and thanked them for the conference they put on for the Council and himself. He said that they do a lot of background and research to get the City information that they don't always have the time to stop and figure out on their own. He also wanted to thank the League for their representation of Moab, because they do an excellent job making sure that the City has representation on the Hill and they always reach out to the City to make sure that the City knows what is going on. He said that there is 5G legislation that will be on the agenda for November 12<sup>th</sup>. There is also an email that he acquired from friends in Northern Utah that the Council received, as well. They've prepared a full-on legal response to that, so he'll be forwarding that email to the Council as well, that will address some issues that went out. Water banking is something that he has participated in in other cities. It is something that they did in Grantsville. The City's Water Law Attorney, Jeff Gittins, was a part of that, as well, so it is something that they are both very familiar with. If that is something that the City is interested in doing, they can provide Council with that information. He went on to talk about the overflow issue that Councilmember Duncan brought up in his report, saying that if that is something the Council wants to look into, he wanted to make sure that they run that through Jeff, as it would be one government entity supplying that water to another government entity and they would want to make sure that they would not be forfeiting any rights by allowing the use through another entity. He said that the City has a new set of Policy and Procedures that they have been working



on for over a year that is going to be on the agenda for the next meeting. He will get that out to the Council so that they will have a chance to look at it, as it's quite lengthy. He'll be finalizing the review over it in the next three days, or so. He will then get those documents out to Council, so he asked Council to please watch for it. A new Assistant City Manager, Carly Castle, will be starting on Monday. She comes to Moab from Salt Lake City where she has been part of their Sustainability and Public Works Department. Her training and background have been in management in those departments. Linares feels that she will be an excellent fit. The City has also hired Kaitlyn Myers from the County who will start as the City's Senior Project Coordinator on Monday. He reminded everyone that the Pride Fest is this weekend and the Red Rock Arts Festival is October 5<sup>th</sup> through the 12<sup>th</sup>. The new art trails sculptures will be displayed starting October 12<sup>th</sup>. The Moab Showdown Film Competitions are taking place November 7<sup>th</sup> through the 10<sup>th</sup>. Sign-ups for that should go up this week. He said that it's going to be a fun event and that they are going to make entire films in 49 hours, air them and award them, and all of that will take place at Star Hall. Submissions are open to anyone. Mayor Niehaus said that they are going to have special guests who are going to judge that will be disclosed later. Linares said that it is exciting and that it's the 70<sup>th</sup> anniversary of the Moab to Monument Valley Film Commission. That is why they are doing it here. It is the oldest Film Commission in the State. The Turkey Trot Run will be held on November 16<sup>th</sup>.

Engineer Williams gave a presentation on three of their budgeted items they are undertaking. The downtown parking structure is Hot Spot funding. They have received seven statements of qualifications from architectural and engineering firms. They elected to do shortlist interviews for three firms, hopefully this week Hopefully Council will negotiate a contract prior to October 22<sup>nd</sup> for Contract Award with Notice to Proceed around November 1<sup>st</sup>. They have a Design Advisory Committee put together who will be working with them for the kickoff meeting until the 100% plans and specifications. Mayor Niehaus asked who was serving on that committee. Williams said that they have Councilmembers Jones and Guzman-Newton, Planning Commission member Becky Wells, John Knight, Mike DeHoff and Faye Hutchins. He will get them information about the scheduling of the 1<sup>st</sup> meeting and things like that. If things go well, they will look at groundbreaking in 2021.

They had budgeted for an additional well as the system needs redundancy, as well as, additional capacity, they have engaged one of their on-call consultants to design a new well that will probably be next to well #5, which is off-line, out by the Golf Course. It's an old well that hasn't functioned in a long time. Possible construction would likely begin this fiscal year, once they receive cost estimates. The deterioration that occurs in the City's manholes and concrete pipes is caused by hydrogen sulfide gas and it's worse there are areas of shallow slope, and around the City, the shallow slopes are typically down by the plant, because they are in the old swamp area by the Wetlands, or up on top of the hills. They have identified an area where they have relatively new pipe, but the manholes are seriously deteriorating. They commissioned a small study with one of their on-call consultants to do some data logging and data collection so that they can evaluate mitigation alternatives. They are going to try to salvage as much as they can to extend the life of that infrastructure if they can. He's excited to see what they can come up with.

The latest information received on the Highway 191 Widening project, is that while right-of-way is still an issue, UDOT project management staff believes that they'll be able to move forward, even with some of the right of way not 100% secured, because they have some interim steps, like "right to occupy" and things such as that. They are hopeful for it to go out to bid late October and that would allow them to start work after the 1<sup>st</sup> of the year and the connectivity to the-right-of way. One of the 1<sup>st</sup> things they believe "contractors will be doing is installing storm drains that'll go down. There are detention basins on the uphill side of 191 and there'll be a truck line

that runs down the middle of the road. That's work that could occur over the course of the winter. It's not temperature dependent." The Engineering Department received 100% of the plans this week for one last look. Councilmember Guzman-Newton said that she noticed that on Millcreek Drive and Powerhouse Lane have potential traffic counters, and she was curious because Council has received information from constituents about traffic in that area for new development. Williams answered that there are two traffic counters that the City owns and the City has a traffic count database that they use throughout the City and they just wanted to update the ones on Mill Creek Drive, so it will be there for a week and then they'll move it to another location. All that information is available once they collect it and download the data.

Finance Director Stenta said that she wanted to go over a couple of changes to the Financial Dashboard that they talked about last time, just highlighting a few things. She displayed a graph that showed the change in net position is revenue over expenditures. Operationally it could be thought of as a kind of year to date profit and loss for those funds. She said that that doesn't mean that is where they will end up at the end of the year as some expenses come in periodically throughout the year and some revenues come in at the beginning of the year, so it evens out. She gave a quick update of utility revenue. They had sent out 180 disconnect notices for delinquent accounts of \$42,000. By the time they got down to the deadline, they only had to disconnect eight for non-payment and five of those have been reconnected. Disconnect day was yesterday. They've been working with customers, giving out payment agreements, making sure that they do everything they can to help people keep their utilities on while keeping in mind that they do need to collect utility fees for the City. One of the Councilmembers had requested that she include the portion of sales taxes that comes from tourism revenue. Stenta broke it down into sector by year. She noted that this was based on estimated tourism-based sales vs. all other sales. She also pointed out that they were looking at the trend that the City's sales-based taxes are going up, but the expenditures are also going up due to the increase in demand in services. She noted that Council has access to the data presented and that each section in the dashboard is interactive, so if they are curious what accounts for general government in any given year or Community Services, they can just click through and it will open a spreadsheet so that they can see the detail for each department. She stated that she did get the Enterprise Fund balances in the report, so they won't see any blank spaces anymore. Councilmember Guzman-Newton said that she has used it several times in the past couple of weeks and she was hoping to be able to share it with the Travel Council, Chamber of Commerce and the new Hospitality Board so that they can have data-driven information and not just emotional rhetoric to drive their conversations. She's sure that it would be more difficult to share outside of Council because it's interactive but having the City's sales tax-based revenue and to be able to share that with the community would be a good transparency tool. Stenta said that she would be happy to put together whatever information would be helpful. She said that when the upgrade to the new accounting platform in the next six to nine months, there will be a community dashboard that can be on the City's website. She said that she could also put together "a public facing version of this in a separate dashboard. She asked that Council give her an idea of what would help the community. Mayor Niehaus said that there is a lot of conversation right now, that sales and businesses are down, and that isn't the case based on the data they see on the taxes received. She thinks Moab is doing a great job where both business and sector are expanding. "Sometimes when that expansion happens, it feels like, maybe growth isn't happening". She feels that it is important to share the data with the Travel Council and the Chamber so that they can better inform their members of the facts. She said that maybe they could also get on their luncheon agenda to do a presentation of the data, because she believes that they need that sales tax data. Stenta highlighted the three big taxes for the community, sales tax, resort community tax and transient room tax. She had just received September's numbers and showed how it compares to the last three years. She clarified that the revenue received in September is from 30-60 prior

depending on the collector. She reminded Council that when they started the new solid waste contract with recycling and started offering four different options for garbage service as part of the contract, there is an open enrollment period, which is annually in October and February. That is when people can make changes to their recycling and/or garbage service. That information will be on the utility bills and the form is on-line. As garbage is a public health issue, Linares asked Stenta to clarify that people can increase service anytime of the year. Stenta said that was correct and that people could also opt-in for recycling at any time of the year. The open enrollment period is more for decreases. The URL for this is [moabcity.org/open](http://moabcity.org/open), it will be on the City's website as well as the Facebook page.

### ***Citizens to be Heard:***

Sara Melnicof "I'm here to prove that I can talk about something other than recycling. We were asked to give reports on the community contributions we got and I thought I would take just a few minutes to explain to you what I've done with the money and I'll submit a report tomorrow to Carmella. So, I'm on call 24/7. I have been since 2002. I've gotten 1526 calls in that time period resulting in 1382 assists, that's up to today. Some of the assists are as simple as a phone call to authorize gas. Some require up to 50 phone calls to coordinate things. Normally we help with just emergency needs, like rent assist to keep people from, usually single parents, from being out on the street, food, medicine, utilities, emergency lodging, bus and train tickets to move some people we'd like to see moved out of town, get them where they need to go, but some of the calls, and I'm very proud to have a Board member here, Ms. Beeson. She's very familiar with doing all this stuff. There was a pregnant woman with her husband and two kids traveling. They got into a little fight. She got arrested. I got called by the Grand County Sheriff Chief Deputy. She had just gotten a call that she had to get to a hospital right away she had a very dangerous pregnancy. She was taken to the hospital, the husband just left her with the kids, he just took off. She did have a miscarriage, so I put her up in a motel. I got her back home. I got her a bus ticket and back to Green River to get on the bus. A hospital patient was taken off the bus in Green River with serious health concerns. Hospital called me, they needed to get him back on the train, so I hired a driver. We had a guy who was self-harming, he was cutting himself, he had infections, he was off his meds, we got him back to his parents. A family of five crashed their car, I was called by the police, so I get a lot of calls from Moab City Police, Grand County Sheriff, Highway Patrol, the hospital, Seekhaven, Multicultural Center, Four Corners Interact, WorkForce Services Authority, Churches, and individuals themselves, and we've all tried to work together and to do what we can to help people. To date I've spent \$16,726.65. I usually spend about \$25,000 a year. I raised about half of that at City Market. The community is amazing, giving to us. In order to honor their trust, I'm very careful to make sure that the assists I give, are real needs and I'm not getting scammed too much, but we all do occasionally, and so I appreciate you guys supporting us with that and I'm going apply again and, hopefully we'll get more support. There's never a dull moment, especially at three in the morning. I would be very remiss if I did not honor Greta Thunberg for her brave, brave, brave actions to try to create awareness of the fact that we're living on a dying planet and we need to do everything we can to make it a healthy planet, or it doesn't matter how many roads we build, there's just not going to be any people on them. So, we need to restore for the sake of all of us".

Charlotte Mates: "I'm Charlotte Mates, and I've been a citizen of Moab for the second time for the last 20 years. The topic that I want to talk about today is, first of all, I want to thank this City Council for all of the fabulous work. I just learned more about the last month in Moab than I could ever read in the newspaper or by attending every event that I can possibly attend, by listening to all of the reports, and I thank you all for all the time and attention that you give to our community. So, thank you. I'm requesting please, please, please thoroughly vet the City

funding for any and all partnering and budgeting to provide matching funds for in-town shuttles, shuttle busses to Green River for Amtrak and Greyhound connections infrastructure for locals to be shared and inclusive of tourists transportation for all on Link On Utah Link On America. USU Moab is coming to Moab and I believe that we're behind the times in identifying any transportation that will be helpful to our community. I know we're behind the times, I know that the USU Moab was supposed to be built the day before I moved here 20 years ago on Halloween Day. I am kindly asking each and every one of you to look at partnering, the TRT money for budgeting, and I know that some of you were on the email that I, in a panic, sent out because there was money available, and the Southeastern Utah League of Governments and Jade Powell identified, through the whole process with UDOT, that there are funds available, and you had to put in a letter of intent, that letter of intent, we had decided on the August 14<sup>th</sup> meeting with Southeastern League of Government Transportation Transit Committee, that the most important one on that that should go forward was section 6210 of that bill and that is the senior mobility and disability funding to be applied for those grants that were upcoming and that letter of intent needed to be into UDOT by the 1<sup>st</sup> of October, which Verleen Striblein from the Grand County Senior Center, or the Grand County, what do you call it? Grand Center, is in charge of that and has been diligent in her efforts to get that in. So, just in education and one of the things that I would like to request, and I'm not sure how to go about this, but it's to ask the County and City to work together diligently on transportation issues, again Link On Utah, thank you very much for your time and attention. Appreciated it.

### **Presentation by Grand County Emergency Management Services (EMS)**

A presentation was made by Grand County EMS Executive Director Andy Smith and EMS District Board Members, Elizabeth Tubbs and Jason Taylor. Smith handed out a report to Council Members for them to read at their convenience. Smith said that he thought that it would be appropriate for them to give the City an update on many things from last year. In 2018 The City Council voted a letter of support to be included in the Special Service District that the County was creating for EMS. With that, one City Councilmember sits on the District Board. He felt that it was important that they report to those organizations that support what they do. He reported that CIB (Community Impact Board) awarded the Municipal Building Authority funds to move forward with the building of a new facility for the EMS Department totaling just under \$5,000,000 and it was 75% loan at 0% interest. They are grateful to CIB for seeing how important the need is. However, they don't have any property, CIB has been very supportive and understanding and they have been working closely with EMS to work out the details. A local developer has stepped up with two property options and both have significant development needs. They are in the process of pricing those out to see if they will be able to afford to do the necessary development of the land and still be able to pay for the new building. EMS said that once they have a location, they may need to request that the City ease the parking requirements for that area, specifically for their facility. Smith said that the District is in an interesting situation. Growth has continued, sales tax has continued to go up, TRT, while not as high as projected, has still seen an increase. Smith said that they are seeing more and more calls and usage of the ambulances has increased significantly over the past 10 to 15 years. They have seen a 58% increase in their calls over the past 10 years. They have had to move from a volunteer-based service to a full-time paid service and they want to continue to invest in their staff. Historically, EMS has received additional funding from the City and the County Councils. This year, due to some significant needs for storm drainage and other infrastructure, they are not giving EMS the allotment that they were given the previous year. Last year EMS received \$317,000, and they will only receive half of that this year. EMS is fine with using the money for significant storm drainage needs, but at the same time it leaves them short. They will also now have the bond payment, so they requested that they be allowed to attend during the City's



next budget process to request help in the next year, to see if they can “talk the City into jumping on board and helping define some of the services”. They can’t raise their rates as ambulance services are mandated by the state. They are not a taxing entity either, so they can’t tax. They do receive some health care sales tax funds, and they will be requesting more of those in order to make up the difference. Smith told Council that 53% of their calls are in City limits and their average response time in the City is less than eight minutes, so their crews are very, very good at what they do. Taylor said that he started running ambulance in 1997 and he started as a volunteer while he worked, because during that time you could be involved and could break off from work and go do a call for two or three hours, but as times started changing and insurance billing started to change, it got to the point where volunteers couldn’t work anymore. They could no longer volunteer and still do their day jobs. With full-time employees they are able to provide a better, faster service and have gone from “call-out-time” where volunteers had to be at the station within 10 minutes and now the employees are leaving the station within two to three minutes and it’s making a huge difference in the community and to the locals. He said that there are times now, where there are three, four or five ambulances out any one time and a lot of those are doing transfers to Salt Lake or Grand Junction where they take ambulances out of service. Tubbs said, “I guess I’m always the one doing the RAH, RAH, for the EMS services and I won’t be any different tonight”. She said that she was on the County Council when an independent study of EMS service was ordered. She said that she knew that Smith was working 60-70 hours/week on calls at that time and that was when most of the service was still voluntary. The independent assessment pointed out that they needed to hire people full-time, you can’t rely on volunteers where they are currently running a fair number of calls to Green River where they don’t have people who will volunteer. She said that the call volume had increased to the point that could no longer run the service with volunteers. The low wages in Grand County also make it difficult to recruit and retain people. Mayor Niehaus said that the narrative of EMS is very important for everyone in the community to hear. The amount that EMS is not going to be receiving from the County sounds like they will have about \$150,000 shortfall that they are projecting. The narrative is important because, the City is doing their best to create partnerships and reach out beyond the valley to understand what resources they have to be able to get organized and deal with, not just the physical infrastructure, but how they are operating their business. As EMS is doing runs for Green River there could be an opportunity where they could look for funding that’s outside of the City’s valley. Perhaps the presentation and the narrative that they have shared will help to get those dollars because EMS is providing services outside of the valley and outside of Grand County. Smith said that he was once the President of the Rural EMS Directors Association and he will be speaking at UAC on Thursday about this issue. He said that Grand County and Moab City are actually in a very strong position in rural EMS. Mayor Niehaus asked what he meant when he said that the County and the City are in a strong position. Smith said that they are doing well compared to most rural services. Paiute and Daggett Counties currently have no EMS service. They are relying on neighbors that are hours away to provide that service. Smith said that they have been able to maintain a very strong and vibrant system through some great staff and some great partnerships. He said that reaching out to those communities, “we work very closely with the health clinic in Green River and we’ve been working with them to try to, okay, what can we do to help this community apply its own service because, I almost didn’t make it here because I was on a call in Green River on a stroke call”. He said that they had four ambulances out at that time and that was why he almost didn’t make it to the 7:00 p.m. meeting. Mayor Niehaus said that maybe Green River could be part of that funding structure and she was very grateful for the presentation and knowing that “something’s going to be coming down the road in terms of building within the City. She said that she was excited that they would be working with Nora to look at some of the parking issues. Tubbs said that she wanted to thank them, personally for their support for this project. That the support that was shown at the CIB meeting by community members, government and non-

government at that quick meeting was phenomenal. Mayor Niehaus thanked them for the presentation.

**Old Business:**

***Proposed Ordinance 2019-24: An Ordinance Amending Title 3 of Moab Municipal Code to include Chapter 3.50, Master Fee Schedule and Modifying Certain Fees and Rates Charged by the City***

***Briefing and Possible Action***

**Discussion:** Fees have historically been approved either by ordinance or resolution. The resolution or ordinance would have language such as “this will be done by fee to be set by Council at a later date”. Staff has gathered them all in one master fee schedule that would be passed by ordinance by Council. Going forward the fee schedule will be brought to Council every May as they go into the budget and can be adjusted throughout the year. This task has been assigned to City Finance Director Rachel Stenta. The fees are supported by studies and are based on the City’s actual costs to provide these services. In going through the fees, they found some that were too high and have reduced them, while others have been too low. Mayor Niehaus said that there were a couple of fees that the Council wanted to address and asked Council if they had any proposed changes to the fee schedule. Councilmember Jones had concerns regarding the long-term rental licensing fees. He understood that they would have additional elements of a long-term rental management program and that they were on hold until the new Treasurer is in place. The City is also in a housing crisis and he didn’t want to impose additional costs/barriers to leaders. He would like to be leading with the benefits and the City is currently leading with the fee. Council entered into discussion regarding this matter and a possible Good Landlord Program that staff is going to work on, and possibly suspending a decision on this fee until May.

Councilmember Guzman-Newton asked for the justification for the base fees for special events. She said that the fee was \$80 in 2012 and \$820 for 2019. She said that before, it was always just one event fee and now there is level 1, level 2, etc., and that in other cities, even Park City, their fees are \$500. Linares explained that these fees aren’t really the sort of thing that you can look at other communities and cross compare. The majority of the fees never cover the cost of what the City provides, and the City is subsidizing them. To issue a special event permit, it’s going to go through five different department heads who then take it their department meetings and run it through their staff to determine what kind of traffic control and traffic planning will be needed, how much law enforcement and for how many hours they would be needed and so forth. A lot of man-hours go into it just to be able to say, “that looks great let’s do it”. That does not include the actual patrol car that the special event promoters pay for. He said that if Council wants to reduce it, they can, but that permit is being touched by about 20 employees by the time it gets approved and hours are being spent on them. They aren’t being rubber stamped Councilmember Guzman-Newton said that she would like to get away from having the fees set so high that the community has to go to the Council to community contributions. Discussion ensued regarding fees and community contributions and perhaps a renewal fee to be reduced. It was decided to leave it as is.

Councilmember Guzman-Newton went on to discuss Recreation fees. She said that childcare needs to be made clear that it’s by the hour. Currently it just shows that its \$3.00 and it’s just assuming that it’s an hourly fee for childcare. She also said that she believes that the \$5.00 fee for showers should be much higher. The non-resident class fees are way to low, as \$3.00 is the same as that for a resident. It was decided to move forward with the fees as stated and revisit them in May.

Councilmember Guzman-Newton asked about sewer impact fees She said that the sewer impact

fees are less outside of the city. Stenta said that is because it is for treatment only and the impact fees inside city limits include a collection component. Discussion followed regarding the higher impact fees for bakeries, dry cleaners and restaurants, as well as why the City doesn't include the collection component for those outside of city limits.

Councilmembers Guzman-Newton and Jones went on with civil code violations. Illegal use of a vehicle as a dwelling is \$650/day and illegal camping in undesignated area is the same. There was discussion and it was noted that unlawful parking, idling and camping was \$120. That was pointed out before the meeting and it was an oversight by staff so the illegal camping in undesignated area has been removed. Councilmember Guzman-Newton was concerned that if someone actually had to live in their vehicle, they would be charged \$650/day. There was discussion about complaints that staff had been receiving about people living in RV's on city properties around town and in parking lots that they have had to have removed. Linares said that they have not cited or fined any of them. There was discussion that as long as warnings are given, a big fine could be a deterrent.

Councilmember Guzman-Newton also mentioned citing people for having an illegal chicken. It was noted that the fee schedule says, prohibited use of chickens. Prohibited use would include things like having too many chickens on the property. Councilmember Guzman-Newton said that she wasn't suggesting a change, she was just noting the ones that stuck out for her. Discussion ensued and it was decided that they would have a fee schedule workshop in April.

Councilmember Jones asked for clarification that the Title 5 Business Licenses current requires that long-term rental operators get a business license and asked if they would still be required to get a license if they suspend the fee? Linares said that they would still be required to get a business license, but the City would not be able to charge a fee for it.

**Motion and Vote:** Councilmember Jones moved to adopt Ordinance 2019-24, an Ordinance Amending Title 3 of Moab Municipal Code to include Chapter 3.50, Master Fee Schedule and Modifying Certain Fees and Rates Charged by the City and striking fees for residential long-term rentals and directing and directing staff, at their convenience, to propose a coordinated package of long-term rentals management tools which may include, but not be limited to licensure or a good proprietor program education, other value-added elements for proprietors and tenants, as well as possible sequencing of implementation and advance community outreach to optimize for early acceptance and success of city involvement and long-term rentals and clarified that the recreation fee for childcare is per hour and direct staff to reevaluate recreation fees soon, especially non-residential fees. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

### ***Proposed Resolution 01- 2019: A Resolution Adopting The Administrative Guidelines for the Use of City Parks***

#### ***Briefing and Possible Action***

**Discussion:** Councilmember Derasary said that there were a number of questions in the shared document that she didn't think that they had had a chance address as a group. She asked if they were abandoning the idea of people being able to reserve a table at Swanny Park for parties. Discussion ensued about making the picnic tables reservable, adding that to the policy, and that Swanny Park is in the middle of town and walkable so it should be left as a first come first served. Linares said that this policy is just a set of rules for the everyday person who wants to use the park to know what they are and aren't allowed to do there. The column that says that the park is reservable under a special event and to go to that chapter and follow those rules. It

was decided that the two corner picnic tables be made reservable. Councilmember Derasary went on to say that this was the first time that she had seen a proposal that the parks begin opening from 5:00 a.m. to 11:00 p.m. Linares said that special event permits would allow people to change those hours for their events. Open hours mean the timeframe that the park is open to the public. The times were chosen because the signs at the parks are already posted that way. She asked if it might be better to be a little more specific in the table regarding alcohol at Lions Park and Old City Park because she thought that was only allowed by permit. Linares said that the permitting is for special events. This policy is for everyday users to be able to have a beer while playing horseshoes, or similar activity. However, they would still have to comply with public intoxication rules and disorderly conduct laws. There was more discussion about this being a significant change for the community. She asked if they could have more clarity about dogs in the parks. Linares said that both public works and animal control weighed in on this. It was decided that dogs would be allowed on the South Lawn of Old City Park on a leash. Councilmember Derasary asked if amplified sound was now just going to be allowed or only by permitting? It means that people will be allowed to have amplified music as long as it complies with the noise ordinance. Council is willing to see how this goes. She asked what it meant to be able to reserve the stage north at Old City Park. That means that the rental includes the stage and everything north of it, the volleyball court, the pavilion, the BBQ, etc. She also asked if it would be easy to put up a map for people looking to be able to see where the reservable area is. Linares said that is the plan, but they didn't want to get ahead of themselves. She said that a question that a lot of Council has asked is, why does the Bark Park require a driver's license or government ID? Linares said that he guessed that the original logic behind that is if a dog is off leash and bites someone, the officers called need information to exchange for liability reasons. It was agreed to strike needing to have a driver's license or government ID at the Bark Park. Councilmember Derasary said that she didn't see any language that says that a reservation needs to be made within a limited amount of time in advance of the reservation date and time. Linares said that he believed that time limit is 48 hours to give the Public Works employees time to go to the park and post it, make sure that the sprinklers are shut off, or whatever else is needed. It was suggested that the time limit be included to clarify the matter. A decision was made to amend paragraph 3.1 to include, please allow 48 hours' notice prior to event for reservation.

**Motion and Vote:** Councilmember Knuteson-Boyd moved to approve Resolution 01-2019, A Resolution Adopting the Administrative Guidelines for the Use of City Parks with the discussed and agreed upon amendments. Councilmember Derasary seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

### ***New Business***

#### ***Confirmation of Mayoral Appointment of Jessica O'Leary to the City Planning and Zoning Commission:***

Mayor Niehaus stated that this was the only application that she had to forward to the Council. She said that she knows O'Leary and believes that she will work hard and be diligent in planning. There was no further discussion.

**Motion and Vote:** Councilmember Derasary moved to Confirm Mayoral Appointment of Jessica O'Leary to the City Planning and Zoning Commission effective immediate to commit to complete the former appointment of Cory Shurtleff, her term will expire December 31, 2020, she will be eligible for reappointment at that time. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.



***Award to Hank Williams Inc. for Construction of the North Sewer Line Project and Approval of Contract in the amount of \$1,654,609.07***

***Briefing and possible action***

There was no discussion

***Motion and Vote:*** Councilmember Duncan moved to Award Contract to Hank Williams for the Construction of the North Sewer Line branch and approve Contract in the amount of approximately 1.7 million dollars. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Pedestrian Traffic Crossing at 300 South and 400 East***

***Briefing***

Mayor Niehaus thanked City Engineer Chuck Williams for the information included in the Council packets describing what was happening there, but also describing how crosswalks are delineated. Williams said that they performed the evaluation for crosswalks at the request of the Charter School. It was determined that the pedestrian crosswalk at Locust Lane on 400 East is not eligible as a school crosswalk. However, a school crosswalk is justified on 300 South at the intersection of 300 South and 400 East. A school crosswalk is striped with signage and would allow the opportunity to put a school crossing guard there if they choose to do so. It was Williams's recommendation that they put the school crosswalk at the intersection of 300 South and 400 East and communicate with the Charter School that they should do some parent outreach because it is currently an unsafe situation. The City's observations show that people are parking on the north side of the street and then jaywalking across the street with their kids when they are only half a block from the farthest crosswalk. He does not think that it is unreasonable to take the safety precaution of designating that crosswalk as a school crosswalk, but it could also easily be addressed through staff at the school standing on the curb making sure that people aren't jaywalking and have law enforcement participate. Discussion followed where Williams was asked to reiterate why they couldn't put in a mid-block crosswalk. He said that the criteria are very specific about mid-block crosswalks. One of the criteria is that it must be a minimum of 600 feet from the nearest crosswalk or school crosswalk. The requested mid-block crosswalk would be about 250 feet from the 300 South crosswalk which is still used by people of all ages. The 300 South crosswalk would have to be removed and there is a requirement of no parking within 425 feet of a school crosswalk on either side. Further discussion followed regarding the use of orange flags at pedestrian crosswalks. Council directed staff to change the existing crosswalk at the intersection of 300 South and 400 East to a school crosswalk. It was also suggested that staff do a traffic count for a possible crosswalk at Mivida Drive by the HMK Elementary School.

***Proposed Ordinance 2019-29: An Ordinance To Remove Or Amend References To Fees in The Moab Municipal Code Upon the Adoption of a Master Fee Schedule, Chapter 3.50, And To Remove The Mutual Commitment Registry, Chapter 9.44***

***Briefing and possible action***

***Discussion:*** There was some discussion about adding fireworks back into the fee schedule for next year.

***Motion and Vote:*** Councilmember Jones moved to approve An Ordinance To Remove Or Amend References To Fees in The Moab Municipal Code Upon the Adoption of A Master Fee Schedule, Chapter 3.50, And To Remove The Mutual Commitment Registry, Chapter 9.44. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Proposed Resolution 08-2019: A Resolution Authorizing the Mayor on Behalf of the City of Moab to Sign a Memorandum of Understanding with ArtTrails for the Placement of Art Installations in the City of Moab**  
**Briefing and Possible Action**

**Discussion:** Councilmember Derasary recused herself as she works for an artist in town and considers it a conflict. There was no further discussion.

**Motion and Vote:** Councilmember Duncan moved to approve A Resolution Authorizing the Mayor on Behalf of the City of Moab to Sign a Memorandum of Understanding with ArtTrails for the Placement of Art Installations in the City of Moab  
Councilmember Guzman-Newton seconded the motion. The motion carried 4-0 aye, with Councilmembers, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Approval of Bills Against the City of Moab:**

Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$1,273,956.64. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Adjournment:** Councilmember Guzman-Newton moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 8:53 PM.

APPROVED: \_\_\_\_\_  
Emily S. Niehaus, Mayor

ATTEST: \_\_\_\_\_  
Sommar Johnson, City Recorder