

**MOAB CITY COUNCIL MINUTES  
REGULAR MEETING  
MAY 26, 2020**

The Moab City Council held its Special 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>.

***Pre-Council Workshop – Incremental Development Alliance Workshop***

Mayor Niehaus started the workshop at 6:05 pm. Participating remotely were Mayor Emily Niehaus, City Councilmembers Mike Duncan, Rani Derasary, Kalen Jones, Karen Guzman-Newton, and Tawny Knuteson-Boyd. Staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Senior Projects Manager Kaitlin Myers, and City Recorder Sommar Johnson. Also participating remotely were Jim Kumon and Neil Heller with the Incremental Development Alliance.

Senior Projects Manager introduced Jim Kumon and Neil Heller with Incremental Development Alliance and explained that they did a series of events about small-scale developments in March 2020. She said the session planned for elected officials did not go as planned due to the changing situation with COVID-19, so it was rescheduled for a Pre-Council Workshop.

Jim Kumon with Incremental Development Alliance gave a presentation explaining that Incremental Development Alliance provides small-scale developer training as well as technical assistance to city and county governments and nonprofits interested in creating small-scale developments in their communities. Among topics discussed were key questions for small-scale developers, challenges with local zoning codes, and an overview of potential redevelopment parcels within the City.

At the conclusion of the workshop, it was decided that Senior Projects Manager Myers and Planning staff would develop code revisions to promote affordable housing developments and schedule a Pre-Council Workshop to discuss the code revisions with the City Council.

**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 and Grand County Active Transportation and Trails Director Madeline Logowitz joined the meeting at 8:26 pm. Assistant City Treasurer Marcy Mason joined the meeting at 9:02 pm.

***Approval of Minutes:*** Councilmember Derasary moved to approve the minutes for May 8, 2020, and May 12, 2020 with corrections. Councilmember Knuteson-Boyd seconded the motion. There was no discussion. The motion passed 5-0 with Councilmembers Guzman-Newton, Knuteson-Boyd, Derasary, Jones, and Duncan voting aye in a roll call vote.

***Mayor and Council Reports:***

Mayor Niehaus reported continuing to work with staff to create the market on center idea and working with the Governor's Office of Economic Development and the outdoor gear industry to obtain additional PPE for visitors and businesses for Memorial Day weekend. She thanked the Governor's Office of Economic Development, the Utah Office of Tourism, and various other companies for deploying 85,000 masks to our community and thanked Theresa at the copy center for help with distribution. She reported regular Thursday meetings with City Manager Linares and Assistant City Manager Castle and reported the Governor's Office of Economic Development put out a commercial rental assistance grant program explaining that it was a separate grant from the PPP. Councilmember Guzman-Newton said the Governor's Office of Economic Development was inundated by applications and experienced slower processing times than anticipated. She offered congratulations to the graduating seniors and the parents of graduating seniors. She said a special joint meeting with Grand County is scheduled for Friday, May 29, 2020, to sign a letter of support in coordination with the National Park Service for a timed entry system at the national parks. [2:09–16:36]

Councilmember Derasary reported the UMTRA steering committee meeting was canceled and the next one is scheduled for July and she will email an update to the Council. She reported attending an EMS Board meeting on May 18 and call volume was down by 40% for April but significantly increased in May. She said overall call volume is only down 4% from this point last year. She reported the Board is working to cut the budget given anticipated losses of around \$400 thousand. She said they continue to work on the new building with the County and Municipal Building Authority because the County plays a pivotal role in the CIB loan. She reported Grand County held a public hearing for the bond on May 19. She reported attending a System of Care Regional Advisory Council meeting for Grand and San Juan counties, Water Now Alliance, and Open and Public Meetings Act training. She thanked Orion and Braydon with the Health Department for responding so quickly to questions from the community. [16:36-22:58]

### ***Administrative Reports*** ***COVID-19-19 Updates:***

Mayor Niehaus moved the COVID-19 administrative report up during Mayor and Council Reports in order for Moab Regional Hospital CEO Jen Sadoff to provide an update to the City Council. Mayor Niehaus mentioned a conversation with Orion Rogers from the Health Department who said there were three new cases, four recovered, and some violations over Memorial Day weekend that the Health Department is working on.

Moab Regional Hospital CEO Jen Sadoff said they are seeing patients in the clinic and urgent care and still doing telemedicine. She said they resumed elective surgeries and moved the respiratory evaluation area to the front of the hospital and moved the COVID-19 hotline in-house with a nurse staffing the hotline to help individuals navigate how to get tested and seek medical care. She said the hospital is working with regional hospitals on the Wasatch Front and Grand Junction to determine capacity if there is an increase in COVID-19 cases with the ability to transfer patients that need transferred. She explained that they have conducted 1,043 PCR tests which tests for current active virus and 362 IgG antibodies tests which tests for exposure to the virus in the past and are working with the Health Department on building a program for asymptomatic testing for high-risk businesses. She said the program allows for early identification of asymptomatic spread and then allows good conduct tracing with the hopes of slowing down transmission in the community. [24:25-34:25]

**Mayor and Council Reports (continued):**

Councilmember Duncan reported attending Arches Hotspot committee meetings with an additional meeting scheduled for tomorrow and settling in on two broad projects including downtown improvements and dispersed north and south recreation parking. He said those facilities will need some way to shuttle individuals parked in those areas to downtown and plans to ask Monte Aldridge with UDOT if they would consider funding two years of operational costs for a shuttle service. He also said Councilmember Guzman-Newton suggested small contributions to the School District in order to utilize their bus barn facilities for maintenance and storage of potential shuttle busses. He reported attending a sewer coordination meeting between the City and County. He also said the Mayor and City Council should encourage business owners to require masks.

[34:38-38:10]

Mayor Niehaus clarified that we are following the Governor's order that says masks are optional for patrons and mandatory for workers and his orders supersede the local health department and local government. Councilmember Guzman-Newton said based on the inundation of emails from concerned citizens that it was best to emphasize that requiring masks cannot come from the local government or local health department and that only the Governor has the ability to require mandatory facial coverings for everyone. Councilmember Knuteson-Boyd said she requested an educational piece explaining that requiring facial coverings is outside the authority of local governments. Mayor Niehaus asked if it should be an ad in the paper or a post on Facebook and Councilmembers agreed with both and asked to have it included on the City's website as well to get the message out that it is not up to the Council to require facial coverings. Councilmember Duncan clarified that he is aware the City cannot require or order facial coverings but said they could encourage business owners to make that call for the greater health of the town. Mayor Niehaus said she feels that has been done through providing masks to businesses but likes the idea of having a post or video that explains the tools the City Council has as we go through this pandemic.

[38:10-42:33]

Councilmember Knuteson-Boyd reported that HASU cancelled their May meeting because there was not enough for the agenda but wondered when City Hall will open up to the public as they are following our lead. She reported attending a museum board meeting and that Dennis Brown was elected to his third and final term as the museum trustee. She said the museum finance committee held a meeting to discuss their budget and approved a transfer of \$100,000 from their endowment fund. She said they discussed ideas to increase the museum's digital or virtual programs and presence as well as exhibit refinements and the campaign to recapture past museum members to help with financial contributions. She said they also submitted an application to the Utah State Historical Records Advisory Board to digitize the Burns collection. She also reported attending a Canyonlands Healthcare Special Service District meeting discussing the COVID-19 precautions to keep residents safe in the care center. She also said they asked the CIB to push back the loan payment and that request was approved to push the loan payment to 2022. She reported that the board is working to partner with a non-profit that allows the special service district to piggyback off of a non-profit as another revenue source.

[42:43-46:37]

Councilmember Guzman-Newton reported attending the Arches Hotspot Region Coordinating Committee where committee member Wes Shannon provided a presentation on the goals on the Downtown Mainstreet Alliance. She said those goals were reducing the speed limit downtown, retaining Main Street parking, developing side street parking, developing consistent downtown right-of-way aesthetics with future transit in mind, and increasing economic opportunity for

expanding the pedestrian friendly zone. She said Councilmember Duncan's report included the different projects could accomplish and said the majority of the meeting was spent discussing the criteria for the funding which include reducing congestion and the sub-criteria for ranking proposed projects. She reported that the Committee will be meeting Friday for a field trip and encouraged interested individuals to attend. Councilmember Niehaus cautioned Councilmember Guzman-Newton to have the group maintain social distancing requirements. Councilmember Guzman-Newton reported listening to the May 18 Town Hall and said unemployment insurance numbers are the greatest data for the State to understand COVID-19 impacts and said in the last few months it has wiped out three years of job growth. She said Utah has close to 140,000 claims and said accommodations, food services, and retail are the leading losses. She said the data points for cities like Moab help tell the story to federal delegates about what is happening to our community during discussions of a fourth stimulus package. She reported that Vicki Verela, head of tourism for the state of Utah, said international travelers will not be coming here until mid-year of 2021 and said they are focusing on promoting Utah to neighboring states in an effort to build a tourist economy welcomed by the local community. She reported listing to a Town Hall on May 19 with Lt. Governor Cox where it was stated that minorities are being hit harder with COVID-19. She reported that Kristin Cox, the Executive Director of the Governor's Office of Management and Budget, discussed the unintended consequences of the closures outside of economics including mental health, domestic violence, elective surgeries, and long-term chronic health issues. She also said enrollment for higher education is down and there are concerns about reopening elementary schools in the fall. Councilmember Guzman-Newton said the data used by the state in determining the risk status for our community is closely studied with guidance from the local health department and local healthcare facilities and their ability to handle cases without being overwhelmed.

[46:45-53:42]

Councilmember Guzman-Newton asked Mayor Niehaus if there was discussion of moving the community to the yellow phase. Mayor Niehaus said she believes the County is talking with the Health Department and asked City Manager Linares to speak from the task force aspect. City Manager Linares said his understanding was that a request was made to the Governor to allow us to take a different course than the rest of the state but there has been no response. Mayor Niehaus said she is not aware of what was included in the Health Department's proposal to the Governor but understands it is a blend between the orange and yellow phase. City Manager Linares clarified that it was not guaranteed that would happen. Mayor Niehaus said we will have to see where the Governor stands on the proposal from the Health Department.

[53:42-55:46]

Councilmember Guzman-Newton said outside of masks, ATV's have been a hot topic and wanted to let people know she is reading their emails. She asked Mayor Niehaus if she had any information she wanted to share. Mayor Niehaus said she had a meeting with UTV Utah, Rally on the Rocks, Blue Ribbon Coalition, Cliff Koontz with Ride with Respect, Kent Green, and Scott McFarland with High Point Hummer to discuss the issue of noise in the community and said there was movement that could be made to work with the industry to make quieter machines. She said several of the groups she mentioned were interested in helping to put together funds to do a noise study in order to have a fact-based conversation about idling noise and group traveling noise and how the valley is an acoustic sound garden in order to leverage the industry to make a quieter machine, perhaps a quiet Moab model, to be more compatible with other types of recreation in our community. She said she is encouraged by the individuals she spoke with to have allies within the industry to work toward a solution to noise. Mayor Niehaus said she is encouraged that we are understanding the quality of life as residents and there is a role that the private sector can play in working with us and advocacy groups. Councilmember Derasary

requested a larger discussion about noise after COVID-19 to revisit our noise ordinance and discuss valuing quiet as one of our community values. Councilmember Duncan said he asked City Attorney Simonson about the legality and possibility of enforcing a noise-based ordinance with an acoustic calibrated loudness meter. City Manager Linares explained that the noise ordinance needs to be reviewed and redrafted but there is nothing straightforward or simple about using a handheld device because there is ambient noise coming from everywhere. He said it can create a dispute in the enforcement because there is never an optimal situation where there is only one thing making noise and his preference would be to have a quiet time that limits the noise decibel level during certain times. Mayor Niehaus stated when she met with the group the topic of curfew came into the conversation because some enjoy night rides and said it may be better to have a curfew with permitted night rides. City Manager Linares said there is a difference between curfew and quiet time where a curfew does not allow noise and quiet time could limit the noise level during certain times.

[55:46-65:44]

Councilmember Jones reported attending a Moab Dark Skies meeting and said there are now dedicated pages on the City and County Planning Department sections of the websites for dark skies and both are linked to the application for households that would like financial assistance to replace existing fixtures to dark skies compliant fixtures. He reported attending the Solid Waste Special Service District meeting and the recycling center is reopening to full hours which should improve safety by not having crowds due to limited hours. He said they are moving forward with plans for a large contract drum grinder to process thousands of yards of organics that have accumulated at the Moab Landfill. He reported attending the Arches Hotspot Regional Coordinating Committee which was covered by other councilmembers and said better utilization of downtown parking, both on-street and in parking lots, was still in the mix as well as the Spanish Valley multimodal path. He reported meeting with City Engineer Williams and Susie Becker with Zions Bank Public Finance to discuss water rates which may or may not result in another option. He said it was interesting because part of the intention is to encourage conservation and after double-checking old information, there are two incentive programs that Moab residents can participate in. He said the first is for toilet replacement if the existing fixture was installed before 1994 and uses more than 1.6 gallons per flush and the second is for installation of smart water timers which can save 30% per year. He reported attending a County Council meeting and said they have a couple of significant lodging developments (campgrounds) along North Highway 191. He said he has also had conversations about individuals about how Arches can reopen safely and said the meeting on Friday is not to rehash the timed entry system proposed a year ago but a temporary approach to reopen the park safely for park staff and visitors and still allow social distancing. He said the current plan is to close the park when it reaches capacity and if there are lower capacity levels closures may happen more often which is not good for businesses. He said the proposed plan should provide confidence to visitors that they can access the national parks safely and it is part of our bigger message that Moab can be a safe place to visit.

[66:15-71:08]

### ***Administrative Reports***

City Manager Linares reported that the original goal was to open City Hall by the first week in June but we received a grant through FEMA to install protective glass and sneeze guards in the Treasurer's Office and we are waiting for construction to finish in order to protect the employees and public. He said once construction is finished in that area, we plan to open the doors to the public.

Mayor Niehaus asked about an estimated date for reopening City Hall and asked members of the City Council to think about whether they would like to continue electronic meetings based on risk level or underlying conditions for the safety of council members. City Manager Linares clarified that even under the guidelines of the state reopening phases, we are still recommended to continue having employees work from home if possible. He said employees in high-risk categories and those that qualify under the Family First Coronavirus Response Act will still work from home even though the doors are unlocked. He said until there is clearance from other government agencies to bring everyone back, we will continue to follow their guidelines to keep people working from home.

City Manager Linares clarified that decisions to require facial coverings is up to the Governor or individual business owners. He said business owners have the right to require facial covering and it is not considered discriminatory. He said if patrons do not comply then business owners have the right to ask them to leave and if patrons refuse to leave, business owners have the right to call police or dispatch for assistance to remove the individuals from their property.

City Manager Linares said over the last week there have been reductions in staff by nine full-time employees, two furloughed employees, a reduction in force of two positions, and part-time positions were created for two other employees. He said at this time ten full-time employees were rified, eight full-time employees were furloughed, and 60 part-time employees were reduced out of the work staff. He said prior to COVID-19, staff worked to reduce their budgets to address financial problems and staff reductions was a last resort to address financial issues amid the pandemic. He explained that the City started taking steps in March to reduce expenses and there has been a 20% reduction in staff over the course of the last two months and the City is taking steps in order to sustain financial viability. He hoped for a financial rebound and better times ahead to be able offer those positions back to the employees.

Councilmember Derasary asked for a reminder of when the next agenda item related to budget would be provided to the City Council. City Manager Linares said the budget must be adopted by June 22 so it will be on the next agenda.

Councilmember Derasary mentioned that the City Council should discuss their compensation given the citizen comments and everything else going on but said it could wait until the next budget discussion.

### ***Citizens to Be Heard***

Mayor Niehaus summarized the process for submitting Citizens to be Heard comments and said that one comment was 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.”

***Presentations:***

***Presentation and Discussion Regarding an Update on the Bike Skills Park on the Mill Creek Parkway near 100 East***

City Engineer Williams and Grand County Active Transportation and Trails Director Madeline Logowitz provided an extensive presentation on the Bike Skills Park on the Mill Creek Parkway. City Engineer Williams showed the overall location and said it was chosen because it is city-owned property near the bike trail.

Grand County Active Transportation and Trails Director Madeline Logowitz began her presentation with background information and funding sources for the project. She said Grand County Active Transportation and Trails (GCATT) began working with the City Engineering Department in January/February 2019 and the project was awarded the 2019 Utah Outdoor Recreation Grant. She explained that other funding sources include \$30,000 from GCATT through an Interlocal Agreement, \$30,000 from the City for the restroom facility, and the remaining 50% is provided by the Utah Outdoor Recreation Grant. She said the goals of the bike park were an in-town, accessible, standalone attraction for kids and families and a gateway for families to be exposed to technical biking. She said most beginner biking areas are far enough from town that it requires vehicle travel and the primary audience for the bike skills park is for youth ages 8 to 18. She said the park is accessible from schools along bike lanes and the Mill Creek Parkway, it is ADA accessible and includes seating, it can be enjoyed with any type of bicycle, and multilingual signs will provide information about mountain biking opportunities. from all the schools and the park will be ADA accessible and allow the use of any type of bicycle. She said the bike park is separated from the pathway and has both a beginner and intermediate area. She said the beginner area is wider and the intermediate area is skinnier and a little more challenging. She clarified that the project is different from the bike jump park in that it is smaller scale, slower, and is designed more for developing skills such as balance and biking techniques like wheel lifts. She showed an overview of the proposed trail features explaining that they focus more on precision than speed and they integrate features that might be encountered out on the trails. She said when the project is complete it will be a mix of progressive bike ramp and rock features to help people build skills to use on the trails. She said the next steps for the project are site preparation and park installation and finalizing the park name.

Mayor Niehaus requested a “coming soon” sign with pictures of the project to inform people throughout the duration of construction.

Councilmembers asked follow-up questions about the potential user groups of the bike skills

park, ongoing operation and maintenance costs, discussions with Friends of the Parkway, drainage and irrigation, noise, and parking.

GCATT Director Logowitz explained that most people coming to Moab to mountain bike will probably not be attracted to this location. She emphasized that this was ADA accessible, family focused and does not foresee any noise or disruption to others using the Mill Creek Parkway. City Engineer Williams addressed operations and maintenance stating the park has a low maintenance cost estimated at less than \$10,000 per year. He also said they have 100% design plans for the 100 South green infrastructure project and drainage and irrigation for the bike skills park were designed based on those plans as well as the parking layout. Both City Engineer Williams and GCATT Director Logowitz said they were open to collaboration and discussion with Friends of the Parkway.

Mayor Niehaus and Councilmembers thanked City Engineer Williams and GCATT Director Logowitz for the presentation.

***New Business:***

***Proposed Resolution 31-2020: A Resolution Confirming the Appointment of Marcy Mason as the City Treasurer***

***Discussion:*** City Manager Linares explained that State Code 10-2-916 requires a city of the fifth class to appoint a treasurer and that appointment comes from the Mayor with approval of the City Council. He said Marcy has been with the Treasurer's Department for a year working under the direction of former Finance Director and City Treasurer Rachel Stenta. He praised Marcy for the quality of her work and her dedication to the City of Moab. Mayor Niehaus also expressed her excitement about appointing Marcy to the City Treasurer position and expressed her gratitude for Marcy's kindness and grace throughout these difficult times.

***Motion and vote:*** Councilmember Knuteson-Boyd moved to approve Resolution 31-2020 confirming the appointment of Marcy Mason as Moab City Treasurer. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Knuteson-Boyd, Duncan, Derasary, 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 in the amount of \$110,866.52. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Jones, Knuteson-Boyd, Duncan, Guzman-Newton, and Derasary voting aye in a roll call vote.

***Adjournment:*** Councilmember Guzman-Newton moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion passed unanimously. Mayor Niehaus adjourned the meeting at 9:08 PM.

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

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