



APRIL 14, 2020
JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP
6:00 P.M.
REGULAR CITY COUNCIL MEETING 7:00 P.M.

Per Executive Order 2020-5 issued by Governor Gary R. Herbert on March 18, 2020, this meeting will be conducted electronically and may be viewed on the [City's YouTube channel](#).

An anchor location will not be provided.

1. Joint City Council/Planning Commission Workshop - 6:00 p.m.

1.1. Continued Discussion of Overnight Accommodation Regulations

2. Regular City Council Meeting - 7:00 p.m.

3. Call to Order

4. Approval of Minutes

4.1. Minutes: February 18, 2020 Special Joint City Council County Council Meeting

Documents:

min-cc-2020-02-18 joint city council county council meeting draft.pdf

4.2. Minutes: March 10, 2020 Regular City Council Meeting

Documents:

min-cc-2020-03-10 draft.pdf

4.3. Minutes: March 20, 2020 Special City Council Meeting

Documents:

min-cc-2020-03-20 draft.pdf

5. Mayor and Council Reports

6. Administrative Reports

7. Citizens to Be Heard

To have your comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here: <https://forms.gle/vcmtlb9rvi6kpnaa>

You must submit your comments by 7:00 pm on April 14, 2020. Please limit your comments to 400 words.

8. Old Business

8.1. COVID-19 Updates

9. New Business

9.1. Budget Workshop for Proposed Fiscal Year 2020-2021 Annual Budget

9.2. Proposed Ordinance 2020-05: An Ordinance Repealing Alcohol Licensing in Moab City

Briefing and possible action

Documents:

*agenda summary ordinance 2020-05.pdf
ordinance 2020-05.pdf*

9.3. Award of the 2019/2020 Water Meters Bid to Meterworks Incorporated in an Amount not to Exceed \$120,000

Briefing and possible action

Documents:

*meter bid agenda summary.pdf
meter bid opening.pdf
meterworks moab neptune water meter bid.pdf
meters-registered bid 2020.pdf*

9.4. Proposed Resolution 19-2020: A Resolution Approving and Amended Plat for Pear Tree Estates to Delete a Plat Note Requiring Street Improvements Along Pear Tree Lane Prior to Development of Parcel 2 of the Subdivision

Briefing and possible action

Documents:

*cc agenda summary pear tree estates plat amendment.pdf
exhibit 1 resolution 19-2020.pdf
exhibit 2 petition - vacate, alter, amend subdivision
plat_1040peartree.pdf
exhibit 3a request to waive requirements_1040 pear tree
lane.pdf
exhibit 3b letter_1040 pear tree lane.pdf
exhibit 4a pc minutes 1.23.2003.pdf
exhibit 4b city council minutes 1.28.2003.pdf
exhibit 4c cc minutes 5.7.2002.pdf
exhibit 5 1040 pear tree lane_1998 subdivision.pdf*

9.5. Proposed Resolution 20-2020: A Resolution Approving an Amendment to the Subdivision Plat for Properties located at 237, 239, 241, 243, and 245 West 400 North, Moab, from the Park West Condominiums, to the Moab Park West Townhomes

Briefing and possible action

Documents:

moab park west townhomes cc agenda summary 041420.pdf
exhibit a resolution 20-2020 moab park west townhomes.pdf
exhibit b moab park west townhomes plat.pdf
exhibit c narrative.pdf

9.6. Proposed Resolution 02-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus
Briefing and possible action

Documents:

agenda summary 02-2020.pdf
resolution 02-2020.pdf

9.7. Proposed Resolution 16-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus
Briefing and possible action

Documents:

agenda summary 16-2020.pdf
resolution 16-2020.pdf
film surplus list.pdf

9.8. Proposed Ordinance 2020-11: An Ordinance to Create the Arches Hotspot Region Coordinating Committee for the City of Moab to include Title, Chapter and Section Number
Briefing and possible action

Documents:

ordinance 2020-11 agenda summary.pdf
ordinance 2020-11.pdf
moab municipal code section 2.92.pdf

10. Approval of Bills Against the City of Moab

11. Adjournment

Special Accommodations:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

Check our website for updates at: www.moabcity.org

**MOAB CITY COUNCIL MINUTES
SPECIAL JOINT CITY COUNCIL AND GRAND COUNTY COUNCIL
MEETING
February 18, 2020**

Call to Order and Attendance: The Moab City Council attended a Special Joint City Council and Grand County Council Meeting on the above date in the Grand County Council Chambers at 125 East Center Street, Moab, Utah. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. In attendance were Mayor Emily Niehaus and City Councilmembers Kalen Jones, Karen Guzman-Newton, Tawny Knuteson-Boyd and Mike Duncan. Councilmember Rani Derasary was not in attendance. Also present were City Manager Joel Linares, Assistant City Manager Carly Castle, Communications and Engagement Manager Lisa Church, Senior Projects Manager Kaitlin Myers, City Engineer Chuck Williams, Recorder Sommar Johnson and Deputy Recorder Joey Allred. Representing Grand County were Council Chair Mary McGann, Councilmembers Greg Halliday, Gabriel Woytek, Jaylyn Hawks, and Curtis Wells. Members of County staff were also present. Representing the town of Castle Valley were Mayor Jazmine Duncan, Councilmembers Bob O'Brian, Pamela Gibson, Tory Hill, and Harry Holland. Members of the media and public attended. County Council Chair McGann opened the meeting at 12:03 PM.

Proposed Resolution 12-2020: A Resolution in Support of Ratification by Utah of the Equal Rights Amendment to the United States Constitution—Approved

Discussion and Motion: Grand County Council Chair McGann opened the meeting by reviewing the resolution. She stated that, since the resolution hadn't made it into the packet 48 hours prior to the meeting, she would entertain a motion to suspend the rules and vote on it. County Councilmember Curtis Wells moved to suspend the rules and vote on the resolution. County Councilmember Jaylyn Hawks seconded the motion.

Vote: The motion to vote on this resolution passed unanimously with Moab City Councilmembers, Grand County Councilmembers, and Castle Valley Councilmembers all voting aye.

Motion: Grand County Chair McGann asked the Grand County Council for a motion to pass and adopt this resolution. It was moved and seconded by Grand County Councilmembers. Mayor Niehaus asked City Council for a motion to vote to approve and adopt the resolution. Councilmember Guzman-Newton moved to approve the resolution. Councilmember Knuteson-Boyd seconded the motion. Castle Valley Mayor Duncan asked the Town of Castle Valley for a motion to approve and adopt the resolution. It was moved and seconded by Castle Valley Councilmembers.

Discussion: County Chair McGann stated that the subject was open for discussion. She also said that she worked very hard on the Equal Rights movement in the 1970's, and she's very excited that it may pass in her lifetime. Mayor Niehaus thanked all the inspirational women who are trailblazers on councils and in business. She stated that she wanted to recognize the women who couldn't attend this meeting, because they are teaching at our schools, working from home, or running their own businesses. She also thanked the women who have inspired her to follow her dreams, like her friend Council Chair McGann. Councilmember Guzman-Newton thanked Jessica O'Leary for asking Congressman Curtis if he would please move forward with ratifying the ERA (Equal Rights Amendment) federally. Councilmember Knuteson-Boyd recalled marching on behalf of the ERA in 1973 and said that it's about time. Councilmember Duncan stated, on behalf of his two daughters, he is in full support of this resolution.

Vote: Grand County Council passed the motion unanimously. City of Moab Council passed the motion unanimously 4-0 with Councilmembers Jones, Guzman-Newton, Knuteson-Boyd and Duncan voting aye. The Town of Castle Valley Council passed the motion unanimously.

County Chair McGann requested a ten minute recess before the County and City Councils continue their discussions. The meeting was reconvened by County Chair McGann at 12:30 PM. County Councilmember Evan Clapper joined the meeting. The Town of Castle Valley Mayor and Council were not present for the following discussions.

UDOT Recreational Hotspot Funding

Discussion: County Councilmember Wells stated that there were few opportunities to have discussions with both the City and County Councilmembers in the same room on record. He stated that the goal is to discuss the program itself and provide a brief review of how the program was created. He said the program had evolved from a bypass project to considering other projects for the funding. He stated that the meetings of the Arches Hotspot Region group were a collaboration between the City and the County. He requested that both Council's recognize City Councilmember Guzman-Newton as she introduces a document that she's created. City Councilmember Guzman-Newton stated that, when County Councilmember Wells spoke at citizens to be heard three weeks ago, it opened her eyes to the potential of solving problems and having a different discussion about Hotspot Funding. She stated that the evolution of the Hotspot Funding began before she was in office. She said that the County, City and private citizens have started a Transit Committee that is looking at solutions for our valley. She stated that she has asked community members what they would do with \$10 million dollars, and no one has suggested a parking structure. She read aloud the Statement of Consensus: "Moab City and Grand County, also Referred to as the Arches Hotspot Region, Regarding the UDOT Recreational Hotspot Funding Program As members of the governing body of the City of Moab, we share herein our unified position on the UDOT Recreational Hotspot Funding of the Cooperative Agreement regarding a downtown parking structure, and dispersed parking. With our fiduciary responsibilities and authority to review and direct municipal administration in mind, we have arrived at the following position: • We hereby direct the City Manager to immediately pause the \$8.3 million UDOT Cooperative Agreement for the Moab Downtown Parking Structure, and to immediately pause all requests for UDOT funding for dispersed parking. • We hereby direct the City Manager to work with UDOT in good faith and with justifiable reason to negotiate the termination of the UDOT Cooperative Agreement as the costs of the parking structure have increased beyond our control and are now significantly higher than the funds allocated by UDOT. The current cost estimate is \$10 million for 250 parking stalls versus the 320 parking stalls for \$8.3 million as stipulated in the contract. This does not include the additional financial responsibility of the City to maintain and operate the structure. We can no longer recommend a parking structure as appropriate use of taxpayer funds. We direct the City Manager to work with UDOT to insure that upon termination, all funds are returned to UDOT minus funds expended to date, as stipulated in the Cooperative Agreement. • As members of the City Council we are seeking a return of these discussions to the "Arches Hotspot Region," format as co-members with Grand County. It is our priority that awards from this funding program be appropriated for the highest and best use of the UDOT Recreational Hotspot Funding to alleviate congestion, increase economic and tourism opportunities, and increase recreational opportunities as mandated by this funding. • We advocate that the UDOT Recreational Hotspot Funding be used to study and implement a Public Transit System utilizing a fleet of shuttles, with a long-term emphasis on zero emissions vehicles. The area of investigation shall be determined at the appropriate time. • We advocate that the UDOT Recreational Hotspot Funding be used for dispersed parking that specifically supports a Public Transit System, with surface parking prioritization in the City and County owned land within 300 feet of designated bus stops along US-191 and Spanish Valley Drive. • We proudly acknowledge that the Transit System will greatly enhance the quality of life of our local community by relieving congestion on our roads, and is in keeping with the objective of the

General Plan to protect our natural resources, to maintain a high standard of air quality in our region, to protect the natural beauty of our view shed, and to promote and facilitate affordable housing throughout Spanish Valley. We greatly appreciate the support and collaborative efforts of UDOT staff. We fully understand that updating our project request to re-appropriate UDOT Recreational Hotspot funds for a Transit System will require a formal discussion with and request to the State Transportation Commission. We have enjoyed and appreciated very much past opportunities to communicate our challenges, needs, and opportunities with the State Transportation Commission and would enjoy additional opportunities to do so as we learn more from the transit studies and as our transit system planning continues to evolve. Respectfully, Karen Guzman-Newton". Councilmember Guzman-Newton stated that she sent this document to Councilmember Derasary prior to the meeting. She stated that Councilmember Derasary said, "Please take this email as a declaration of my support of the 'Members of the Moab City Council Statement of Consensus' regarding City and County UDOT Arches Recreational Hotspot Funding." Councilmember Guzman-Newton further stated that Councilmember Derasary says, "It would be most desirable to have a workshop revisioning funds and what projects the community would benefit from at the time assuming UDOT and should the State Transportation Commission be amenable. If there are multiple workshops of revisioning it seems like the place you want to start is at workshop number one, so the cart is now before the horse. I am most excited about the prospect of a valley transportation system, should that prove realistic, affordable for all of us. On the surface it seems the shuttle or bus service would serve a much greater number of our residents, visitors, businesses and workforce. And moving people with fewer vehicles than the example of one parking lot, regardless of where that might be. If helpful, I also support all the suggestions residents made at our last council meeting about the need to implement low-hanging fruit. Things recommended in the parking plan, such as increased signage to direct folks to parking and time limits on downtown parking to help with the problem of folks parking all day in one spot. I would also like to honor the request to garner the diverse spectrum of business voices and determining how best to maximize dispersed parking. That seems like it would meld nicely into the same visioning workshop above. Thanks to all of you. It takes reflections and guts to revisit a decision when circumstances change, but it does seem to me consistent with the definition of good governance to stop and reassess when changes do occur, particularly to reflect on whether the best use of public funds has shifted. I commend you for doing that. Briefly, Rani". Councilmember Guzman-Newton stated that this is an opportunity. She said that she wanted to open this up for her fellow councilmembers and Grand County Council to join in these efforts. County Councilmember Hawks stated that this document is powerful, and she fully supports it. She stated that a parking structure does not meet the mandates of the funding. She said that other suggestions are more closely aligned with the funding goals. Councilmember Knuteson-Boyd stated that it was too bad the document wasn't shared with the rest of the City Council prior to the meeting. Councilmember Guzman-Newton stated that she had just finished the document this morning. Councilmember Duncan stated that he had seen the document. Councilmember Duncan stated that he had asked City staff if the money could be redirected to what is viewed as a better use of the funds. He said that City staff indicated that the City would become liable for the money that has already been spent on the parking structure design. He said that UDOT has indicated that if the City chooses another goal that meets the criteria, then UDOT would consider it. Councilmember Duncan stated that he'd expressed concern to the former City Manager about the direction the project was heading. He stated that the parking garage design currently can't accommodate oversized vehicles. He said that he would like to discuss a dispersed shuttle system. UDOT Deputy Director Monte Aldridge and Project Manager Ryan Anderson were asked to join the conversation. Deputy Director Aldridge stated that there is latitude regarding a hardline for the project to be completed. He said that one of the biggest challenges will be identifying a project that meets the intent of the funding. He said another challenge is to have consensus and support on a project that can be

delivered. He said that transit would need to be studied, and there will need to be discussion with senior leadership and the Transportation Commission to figure out how to do that. He stated that UDOT is here as a partner to try and work through issues. He said that he doesn't know if the Transportation Commission will give approval for a different project and it would need discussed. Mayor Niehaus stated that City Council and UDOT signed an agreement in May 2019 to move forward with the parking structure project and a second agreement was signed in October 2019 with Kimley-Horn for the design of the structure. She stated that since the City is in a contractual agreement with both UDOT and Kimley-Horn, this statement could be a breach of contract. She clarified that the deadline for project selection has passed, and the City chose a direction. Project Manager Ryan Anderson stated that the \$10 million amount was arrived at based on conceptual estimates from a list of ten proposed projects that was taken to the Transportation Commission. He said that the list included a parking structure, dispersed parking, and Main Street improvements. He stated that there haven't been any conceptual numbers done regarding a transit system. Mayor Niehaus asked if the transit system could be considered by UDOT and the Transportation Commission in addition to the projects that were originally funded. Deputy Director Aldridge said that it would be difficult for the City to receive additional funding because the program is very tight currently. He stated that St. George has been looking at the possibility of a transit system for over a year, and they still haven't ordered busses yet. Mayor Niehaus stated that the cost of maintenance for a transit system also needs to be considered. Councilmember Jones stated that he was a member of the original Hotspot Stakeholders Group, as were Councilmember Knuteson-Boyd and County Councilmembers Hawks and Wells. He said that the purpose of the group was to have representation from the affected local governments, and the conversations were wide-ranging as they looked at options such as a multi-use path in Spanish Valley. He stated that the results were projects that would benefit the community and had reasonable expectations. He expressed concern about going back to UDOT and the Transportation Commission with a project that isn't well-defined which was rejected in the initial discussions by the group. He stated that UDOT is providing significant funding for a regional transportation plan currently which could result in a cost-effective transit. Councilmember Wells reiterated that the goal of this discussion was to talk in a collaborative manner. He then addressed Councilmember Knuteson-Boyd about her concern regarding the document not being released prior to the meeting. He said that there is nothing wrong with what City Councilmembers are doing to get on the same page. He said that Councilmember Guzman-Newton is doing the right thing and it's very brave. He stated that he's had conversations with UDOT that it would be shocking if the Transportation Commission denied a request to fund another project if it met the criteria. He said that, due to the one-time funding, he feels an obligation and responsibility to the public to get this project right. He said this direction is better aligned with collaboration and finding projects that benefit the City and the County. Councilmember Duncan stated that he agrees with County Councilmember Wells. Councilmember Duncan said that he's had preliminary discussions with Councilmember Guzman-Newton about what a transit system would look like. He stated that he would like to have a joint City and County workshop to get conceptual ideas for a transit system. He also said that he would like public input. Councilmember Guzman-Newton stated that it seems backwards to have all the cars from the hotels go to one location where there's already congestion. She said that there are many environmental standards that the County and the City are trying to live up to and this is an opportunity to get more vehicles off the road. Mayor Niehaus stated that City Council is having a meeting from 4-6 PM today about the parking structure. Councilmember Guzman-Newton stated that the workshop tonight is focused on a parking structure and that isn't the discussion we should be having. She requested that Mayor Niehaus take a straw poll to see what Councilmembers are feeling. Mayor Niehaus asked for a straw poll vote on whether to stick with the parking structure. Councilmembers Jones and Knuteson-Boyd voted to stick with the parking structure. Councilmembers Duncan and

Guzman-Newton were opposed. Councilmember Guzman-Newton stated that Councilmember Derasary is also opposed. Councilmember Jones asked if this was an electronic meeting and stated that Councilmember Guzman-Newton is referencing communications that he hasn't received. Mayor Niehaus stated that it appears that Council is divided on the subject. She also said that she isn't willing to throw out the idea of a parking structure to use the funds for something else. She stated that the point of the workshop tonight is to include the Design Committee and the Council. She stated that her conversations with the Design Committee indicate support in moving forward with the parking structure. Councilmember Knuteson-Boyd said that she is open to looking at other projects, but that it needs to be considered that we are a municipality that has already entered a contract. She said that she is not willing to scrap the project. County Councilmember Clapper stated that this is a sensitive issue and it may be difficult to change directions since the City is has already entered contracts. He stated that he sees value in trying to deliver a project that the community is excited about and supports. He said that there are many voices that are questioning the best way to spend this money in the community. County Chair McGann said that she couldn't weigh in on the topic right now. County Councilmember Halliday said that recently a private citizen had tried to start a bus line and that, as far as he knew, it didn't work. He advised caution for considering a shuttle system. Councilmember Hawks stated that she supports taking a pause to reevaluate. County Councilmember Clapper said that having bus stops in place would help a transit system come to fruition. Councilmember Duncan stated that the initial reason for the parking structure is that people were concerned that parking on Main Street would be lost. He said that concern is not an issue anymore. He said that the idea behind a transit system is to encourage visitors to leave their cars at the hotels and residents to leave their cars at home. He said that this will reduce congestion. Councilmember Jones stated that dispersed parking is also still being worked on. Mayor Niehaus stated that the word consensus indicates that everyone agrees with the statement. She said that the document wasn't drafted with agreement by all City Councilmembers. Mayor Niehaus asked Councilmember Guzman-Newton if she intended to present this to City Council to get support. Councilmember Guzman-Newton stated that she wanted to seek support from both the County and City Councils. County Councilmember Woytek stated that he wants to see the Transportation Commission's response to the notion of changing directions.

Duplication of City/County Services and Opportunities for Collaboration/Consolidation

Discussion: County Councilmember Wells recommended that the new City Manager and the new County Council Administrator meet on specific issues where there are opportunities for collaboration. He said that discussions regarding dispatch, recreation, building, planning, and engineering could be collaborated on. Council Chair McGann stated that she is excited for the two entities to work together. She said that the efficiency study indicated areas where we could stop duplicating services. Councilmember Wells said that the study was not an all-inclusive list. County Chair McGann said that it was a place to start. Councilmember Clapper stated that the efficiency study list was not on the agenda summary. Mayor Niehaus said that this conversation started when the City decided to bring in-house our own building inspector. City Manager Linares stated that he will do whatever is directed by City Council; if they tell him to meet with the County Council Administrator, he will follow through with that. He stated that it was cheaper for the City to hire someone full time for building inspections. He said that it may look like a duplication of services, but it provides a cost savings. He said that he is happy to look at possible duplicate services; anywhere that there's cost savings for both the City and the County then everyone benefits. County Council Chair McGann said that County Council has had conversations regarding collaboration with the City to get more bang for our buck. Mayor Niehaus stated that most counties collaborate with multiple cities within their counties. She

stated that we are unique.

Review of County/City Legislative Agendas for 2020 Utah Legislative Session

Discussion: County Council Chair McGann asked County Council Administrator Chris Baird to join the discussion, since it will involve TRT (Transient Room Tax) tax. County Council Administrator Baird said that the County TRT currently allows 47% spent on promotion and 53% towards mitigation. He said that the new split would be 32% for promotion and 68% for mitigation. He said that the strategy has changed since the original draft; the intent is that the amount of money collected for fiscal year 2018-2019 must be split 47:53. He said that any growth beyond that would have a new split of 37:63 applied. He said that this change will be a very slow process. He also stated that raising property taxes to make up the difference would hurt 6,000 Grand County property owners, and it wouldn't fix the costs associated with millions of tourists coming to Moab/Grand County yearly. He stated that we can't continue to drive ourselves into financial insolvency if the legislation doesn't change. Mayor Niehaus stated that the removal of the sunset from TRT has been perceived as a win for cities. She said that the City is supporting the County in their efforts regarding TRT. County Council Administrator Baird stated that he redlined the current legislation to get it back to the initial proposed change, which would better benefit the County. Mayor Niehaus said that the language has been shared with Casey Hill, the individual lobbying on the City's behalf at Capitol Hill. County Councilmember Wells stated that the sponsor of the bill was trying to find a compromise with the tourism industry association, and that the sponsor is pretty firm with the current structure of the bill, unfortunately. County Chair McGann stated that she wants a unified front with the City and County about how to approach legislators regarding this bill. She said that she doesn't want to make the situation worse or have the legislature pull the plug on this bill. Councilmember Clapper expressed concern that, if we keep adjusting the formula, it will take years before the bill is passed. Mayor Niehaus said that it's appropriate to advocate for what was decided by our local group of stakeholders. County Council Administrator Baird said that it could be an opportunity to sign a joint resolution indicating agreement on the issue. He said that he doesn't feel it's understood how critical this issue is for Grand County's health and stability. County Council Chair McGann asked if both councils want to work on a resolution or wait until next year's legislation. County Councilmember Wells said that he would be open to a meeting with County Council Administrator Baird, a City Councilmember, and the legislator sponsoring the bill.

Review of City/County Affordable Housing Policies and Their Impacts—Postponed

Discussion: County Chair McGann suggested postponing the last two discussions. County Councilmember Wells agreed. He stated that there's opportunities for more continuity between the County and the City's affordable housing policies. He said that it's a conversation that he looks forward to having when everyone has more time. Councilmember Duncan said that he's curious how the high-density overlay is going to work.

Joint Vision Statement for City and County—Postponed

Discussion: County Council Chair McGann stated that this item would also be postponed. She asked if anyone had comments. County Councilmember Hawks stated that she wasn't clear regarding the opposition to the TRT tax. County Council Administrator Baird said that he hasn't spoken with the opposition, so he doesn't have an answer at this time. City Manager Linares said that his job is to keep the City out of trouble. He said that, since Councilmembers Knuteson-Boyd and Jones have left the meeting, there is no longer a quorum and the City must be done with the meeting. County Council Administrator Baird stated that there is still a meeting because the County has a quorum. City Manager Linares stated that he'd leave it up to Council

to decide. County Council Administrator Baird said that an important item to discuss in the future is coordination of the annexation and expansion plans. County Chair McGann stated that the next meeting would have discussion regarding the two postponed topics and the annexation concerns. County Council Chair McGann said that she'd like to meet in two months to discuss those topics at City Hall. Mayor Niehaus proposed April 28 as the tentative meeting date.

County Council Chair McGann stated that the meeting is adjourned at 2:09 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 10, 2020**

Regular Meeting & Attendance: 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, Moab, Utah. A recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>.

Pre-Council Workshop: Mayor Emily Niehaus called the Workshop to order at 5:00 PM. In attendance were Councilmembers Rani Derasary, Mike Duncan, Tawny Knuteson-Boyd, and Kalen Jones. Councilmember Karen Guzman-Newton was absent. City staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, City Engineer Chuck Williams, City Recorder Sommar Johnson, and Deputy Recorder Joey Allred. Approximately 35 members of the public and media were present.

The Workshop began with a briefing by Mayor Niehaus regarding the City's commitment to creating parking opportunities for North Main Street businesses. She stated that plans were emailed to businesses and the school for consideration. She also stated that this workshop is to facilitate community feedback on the options. Mayor Niehaus asked City Engineer Williams to put the map of the area in question on the screen for everyone to see. Mayor Niehaus provided background information regarding the Highway 191 Widening Project that eliminates parking from 400 North going northbound on Main Street/Highway 191, which impacts businesses in that area. Mayor Niehaus stated that there would be a Hawk crossing light across Highway 191 down Emma Boulevard and 100 North. City Engineer Williams projected a map and described the one-way street, Minnie Lee, that would connect Highway 191 to Maxine or Emma Boulevard. One comment was made that the inlet in the parking area would create more traffic on Mi Vida, which leads past the elementary school; it would be better to remove the inlet and add more parking. Mayor Niehaus clarified that Maxine is a through street in this proposal, not a dead end. Members of the school board stated that they are against Maxine as a through street, because it puts traffic at the elementary school's pick up/drop off zone. A representative from the Community Church is opposed to Maxine becoming a dead-end street because it prevents churchgoers and preschoolers from accessing the building. Mayor Niehaus stated that, if the City didn't partner with private property owners, the dispersed parking would have to come from city streets alone. It was asked if Maxine could become a one-way street heading east, so traffic wouldn't go past the elementary school from the highway. It was suggested that parking could go down both sides of Maxine if it becomes a one-way street. Councilmember Derasary encouraged the public to make suggestions, since this is the first time that everyone has been in one room to discuss the parking concerns. Another suggestion was made to switch the bus area and the parent pick up/drop off zone locations at the elementary school. Ryan Anderson with UDOT stated that the bike path is part of the Highway 191 Widening Project, but the vehicular access is not; it would need to be change ordered into the project. Another suggestion was to straighten out 400 North and use the extra land for parking closer to the businesses. A suggestion was made to add shared parking and a pedestrian easement to the south end of Prospector Village to benefit multiple businesses. A suggestion was made to change the direction of the parking spots in the proposed plan. Mayor Niehaus asked if anyone was opposed to having a one-way street from Minnie Lee down Maxine to the proposed parking areas. Councilmember Derasary asked the public if they preferred the one-way street access to the dispersed parking area, or if the UDOT funds should be saved for parking at a different location. Councilmember Duncan said that he's hearing that people are concerned about access to Main Street from the parking area.

Regular Meeting Called to Order: Mayor Niehaus called the Regular City Council Meeting

to order at 7:00 PM and led the Pledge of Allegiance. In attendance were Councilmembers Rani Derasary, Mike Duncan, Tawny Knuteson-Boyd, Karen Guzman-Newton, and Kalen Jones. City staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, City Engineer Chuck Williams, City Recorder Sommar Johnson, and Deputy Recorder Joey Allred.

Approval of Minutes: Councilmember Derasary moved to approve the minutes of the February 11, 2020 meeting. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Mayor and Council Reports:

Mayor Niehaus reported attending two water quality board meetings, one regarding finance and one regular meeting. She stated that she also welcomed the Utah Planners to their Moab event for diversifying our economy. She attended a Southeastern Utah Association of Local Governments Board Meeting, and a City Strategic Planning Meeting (which all councilmembers attended). She celebrated with the Students of the Month. She also attended lots of Coronavirus meetings.

Councilmember Derasary attended two webcast meetings for the Utah League of Cities and Towns. She went to Washington D.C. with the Moab Tailings Pile Steering Committee to lobby for more money to move the pile. While in Washington D.C., she attended 18 meetings, including one with the Department of Energy. She stated that Representative Curtis is heading to Moab in April, and Senator Romney is planning to visit in August.

Councilmember Duncan thanked the City staff for presenting the Strategic Planning meeting on March 6. He stated that it was very organized and helped Council to prepare for budget talks.

Councilmember Knuteson-Boyd also thanked City staff for the Strategic Planning meeting. She said that her meetings to report would happen in the following week.

Councilmember Guzman-Newton reported attending the APA (American Planning Association) Conference, an airport board meeting, the Chamber of Commerce retreat, and an early Head Start grant meeting. She asked City Manager Linares if either Building Inspector Barry Ellison or himself could visit possible locations for the early Head Start program. Councilmember Guzman-Newton stated that she attended the Grand County Council meeting last week, where they discussed formalizing the ad hoc Transit Committee.

Councilmember Jones reported attending the APA (American Planning Association) Conference, where he learned about USU's Utah Wellbeing Program. He also attended a session at the APA Conference called Small Town, Big Politics. He stated that he attended a Housing Task Force meeting. He is working on modifications to the Assured Housing Ordinance, but it's not finished. He attended a Travel Council meeting, where they discussed how to keep special events safe as the Coronavirus is spreading.

Administrative Report:

Grand County Council Administrator Chris Baird and Southeastern Utah Health Department Environmental Director Orion Rogers were invited to speak regarding Coronavirus. Grand County Council Administrator Baird read a press release that he gave to the media today, where the County declared a local state of emergency due to the spread of Coronavirus. This allows the County to apply for and receive state and federal aid. The County will place a temporary

restriction on mass gatherings of over 250 people outdoors or 100 people indoors to prevent the spread of Coronavirus. The Grand County Council will have an emergency meeting on March 11 at 9 AM to discuss the state of emergency. Environmental Health Director Rogers read a letter from the Southeast Utah Health Department supporting Grand County's actions regarding Coronavirus. Councilmember Duncan asked Environmental Health Director Rogers how to tell if someone has Coronavirus (Covid-19). Grand County Council Administrator Baird stated that the Moab Regional Hospital created a flow chart for symptoms and people should call first if they believe they are infected. He said that hospitals have locked down and are only allowing certain people to enter their facilities. Mayor Niehaus asked for information about points of contact if citizens have questions. Grand County Council Administrator Baird said that the first point of contact would be the Southeastern Utah Health Department. City Manager Linares mentioned the website <https://coronavirus.utah.gov/> as a resource. Environmental Health Director Rogers said that the Southeastern Utah Health Department's website is another resource: <https://www.seuhealth.com/>. Grand County Council Administrator Baird stated that the situation may change from day to day, and the County will communicate those changes the best that they can. He said that the County and Health Department want to slow the spread of the virus so that the healthcare system doesn't get overwhelmed. Councilmember Derasary asked for confirmation about special events that have been cancelled due to Coronavirus. City Manager Linares said that two special events were cancelled by the event organizers: Skinny Tire Festival and Half Marathon. Grand County Council Administrator Baird stated that the best way to slow the spread of the virus is through social distancing.

City Manager Linares stated that the City had several meetings regarding Coronavirus with the County, School District, and many others. City staff have been looking at essential employees and how to keep things running if containment occurs. The City intends to declare a local state of emergency to access funding and supplies in relation to Coronavirus. City Manager Linares thanked Mayor Niehaus and Grand County Council Chair McGann for attending the Coronavirus meetings. He also stated that things will change as Coronavirus spreads, and the City will adapt as needed.

Citizens to be Heard:

Jessica O'Leary thanked Council for their support in the Equal Rights movement. She stated that the movement has become stuck in legislature and will not be voted on. She stated that she doesn't support the parking structure; however, she would support a transit system.

Brendon Cameron expressed concern about the cancelled special events for the upcoming weekend. He said that it's 2,500 people that could've come to Moab and boosted the economy. He also stated that, at City Market, there's \$4,000 in excess inventory in the back room because the events were cancelled. He said that the event organizers had informed him that they were pressured to cancel the events in order to be able to have events in the future. He stated that he was very disappointed in the decision since Coronavirus hasn't reached Moab yet.

Mike Bynum stated that he was an advocate for the parking structure being located at the ball field on East Center Street. He said that he was informed that the City said no to that suggestion, so the location changed to either behind the tourist center or at the City parking lot. He said that he would still prefer the parking structure to take place at the ball field, and have the City create a state-of-the-art recreation facility. He pointed out that the downtown parking study listed some challenges. He also said that dispersed parking and a downtown parking structure do not have to be mutually exclusive.

Justin Ricks, organizer for Mad Moose Events, stated that he still has not received a definitive

answer from Grand County on whether he could hold his event. He stated that he has spent thousands of dollars and many hours trying to accommodate the County's requirements. He said that he was informed by the County that, if his event brought Coronavirus to Moab, then he would be held accountable for it. He stated that he felt threatened and without support, so he decided to provide as much notice as possible to the registered participants that the event was cancelled.

Public Hearing:

Resolution 15-2020: A Resolution Directing the Termination of Agreements Related to the Downtown Parking Structure Project and Directing Coordination with Grand County to Pursue Different Projects for Hotspot Funding: At 7:48 PM,

Mayor Niehaus opened a public hearing to receive input on proposed **Resolution 15-2020**. Councilmember Duncan referenced a conversation with Councilmember Guzman-Newton regarding the best use of the Hotspot funds. He stated that he would like to see dispersed parking which could accommodate larger vehicles and a transit system. He provided background regarding why Council decided to use most of the Hotspot funds for a downtown parking structure. He showed a slide show presentation regarding Resolution 15-2020. He stated that Moab needs to decide what it wants to look like in the future. He said that the City has six months to create concepts and an operating plan. Citizens speaking about the proposed resolution were:

Wes Shannon, owner of the Love Muffin Café and La Sal House, expressed appreciation for the Council's reconsideration of the Downtown Parking Structure. He stated that a new group named Downtown Main Street Alliance sent an email to Council prior to the meeting. He said that the Downtown Main Street Alliance wants to offer their collective voice to Council regarding downtown Main Street developments. He stated that he is the President of this group and Ryan Bird is the Vice President. He said that the Downtown Main Street Alliance is opposed to the Downtown Parking Structure. He said that the Downtown Main Street Alliance supports more safety for pedestrians on Main Street, and more parking (both on Main Street and dispersed parking). He said that they also support having a bypass and a shuttle system.

Ryan Bird stated that he is the Vice President of the Downtown Main Street Alliance as well as the owner of two businesses. He said that the proposed parking garage will not solve the parking issues for Moab, and it doesn't have the support of Moab business owners and residents. He stated that dispersed parking is supported by the Downtown Main Street Alliance. He said that the Downtown Main Street Alliance is against purchasing land that needs paved in order to provide parking. He stated that land should be preserved for housing or other economic developments. He also stated that the parking outside City Hall is a great example of dispersed parking. He encouraged Council to terminate the parking structure and have a fresh conversation about parking.

Greg Westfall stated that he is a Moab resident. He said that terminating the agreement with UDOT would be a grave mistake, because the City could lose the ten million dollars, and it could be awarded to another project in the state. He encouraged Council to review the resolution sponsored by Councilmember Jones that doesn't require termination of the contract. He stated that six months is not nearly enough time to come up with a different direction for the Hotspot funds. He also requested that resolutions be phrased factually instead of subjectively.

Matt Hancock stated concerns about transparency regarding the decisions behind the Downtown Parking Structure. He said that he has made several GRAMA requests to try and understand how the decision was made, but he hasn't found any clear information yet. He stated

that the City is not good at record-keeping. He said that his GRAMA request for the budget and operating expenses for the parking structure was denied. He also stated that very few private individuals participated in the Arches Hotspot Funding Committee. A UDOT document shows that 15 people attended the first meeting of the committee on November 13, 2017: the facility consultant, the chair of the Moab Area Travel Council, four UDOT representatives, four City staff members, four County staff members, and Mike Bynum. He said that Mr. Bynum has spoken publicly in favor of the parking structure over the past few weeks. Hancock stated that he went to the Executive Director of the Utah Political Subdivisions Ethics Committee. He was advised by the Executive Director that, if the purchase of land from Mike Bynum for the parking structure were to proceed as planned, the Utah Political Subdivisions Ethics Committee would investigate. Hancock expressed disappointment with the City's lack of transparency and proper process. He thanked Councilmember Derasary for the information she provided in the City Council packet.

Shalee Bryant, Director of the Chamber of Commerce, stated that a poll was done by the Chamber of Commerce, and 62% of people polled are currently in favor of the parking structure. She said that the main reasons for support of the project are that Moab should be proactively looking towards the future and that the current amount of parking is insufficient. She said that the poll also showed that people believe the underutilized parking area is due to a lack of visibility. She stated that the poll showed that the parking study didn't plan for Moab's continued growth and the need for more parking. She said that the poll also showed that centralized parking will grow the commercial corridor for the future. She also said that the poll showed that parking on private lots can and will be developed, which will cause no parking to be available in the future. She said that the poll showed that parking is already difficult to find during the peak season in Moab and that people are concerned that money has already been spent toward the parking structure through the agreement with UDOT. She said that people expressed concern that, if the contract is turned down, the City may not receive more funding in the future. She stated that others expressed in the poll that they want to see more parking for oversized vehicles and that they are in favor of a transit system. She stated that some people expressed opposition to the parking structure, but it was a small percentage. She said that the people who are opposed to the parking structure expressed concern about the necessity and expense of the project, since the parking study showed that the current parking lot is not fully utilized during peak season. She said that the poll showed that people are concerned that the parking structure will take all the Hotspot Funds, which means there won't be any other parking developed. She said that another concern in the poll was that the parking structure currently is not projected to provide the initial 320 parking spots. She stated that the cost of maintenance is another concern which was mentioned in the poll. She said that people request a study of alternatives to provide more dispersed parking that will be less expensive while providing more parking spots. Councilmember Guzman-Newton asked how many people responded to the poll. Bryant replied that twenty-four people had responded.

Doug Sorenson stated that he is a member of the Chamber of Commerce, and he didn't receive any information about the poll. He stated that he is opposed to the parking structure. He said that he believes the transit system will work for Moab. He stated that he is from Park City, and it feels like he is going through the same situation fifteen years later. He said that he owns a business on the North end of Main Street, and he's asked his customers for a couple years if they would like a bus system in Moab. He said that about 40% of his customers would love it. He said that another focus for his customers is bike paths. He stated that his customers would love to be able to ride from Highway 191 into Moab, but it's just not safe right now. He feels that the parking structure will become a skate park for kids in the winter. He said spending that amount of money on a parking structure doesn't make sense.

Kaki Hunter said that she is in favor of dispersed parking, large parking lots for oversized vehicles, and the shuttle system. She said that she wants to see a public transportation system for the locals throughout the valley. She said that we have a lot of developments in the valley right now, and it would be great to have transportation into town. She said that she would like to see more paths for bicycles and e-bikes. She requested that Council look at the greening of streets in areas like Seattle and Portland. She said that Tucson is mitigating flood drainage with berms and swales to replenish their aquifer. She said that what she would do with \$10 million dollars is blow up the bridges into Moab, tear up the streets, and grow food everywhere; this would solve the Coronavirus pandemic while creating a community that didn't have to worry about vehicles anymore.

Judy Powers said that she wanted to emphasize that the City has not started building the parking structure, and that's where the major money is. She is okay with losing some money on stopping the project. She said that she agrees with Councilmember Duncan's presentation. She stated that she has used shuttles in Alaska and while skiing, and they are great. She said that there are two low-income developments going in South of town, and she'd like people to have transportation into town. She stated that, if we can encourage people not to use their cars coming into town, it would be awesome. She said that she doesn't want the parking structure because it will encourage more cars to come into town. She stated that she wants to look at other options.

Erin Bird, co-owner of Moab Garage Company and Doughbird, stated that she wanted to bring up things that maybe haven't been thought about. She mentioned the mass exodus that happens every Sunday as people leave Moab, which is bonkers. She stated that if the parking structure was used anywhere near capacity, then the mass exodus would become a problem for cars leaving the structure. She mentioned that the meeting two weeks ago had a revenue plan where the City Engineer said that between 50-60 cars per day, at \$5 per car, were needed to park in the structure in order to pay for maintenance costs. She said that she can't see people paying \$5 a day for parking. She also said that she understands that Council has already gone through hoops to get this money for Moab. She stated that she wants to see the money allocated in a way that benefits the community now and in the future. She said that, maybe in the future ten years from now, a parking structure could be needed; but that is step five and she wants to start at step one.

Ruben Villalpando-Salas, a member of the Planning Commission, stated he's spoken to a lot of Councilmembers and Planning Commission members about the plan/vision for Moab, and nobody has one. He stated that he has also asked family members what they would do with \$10 million dollars, and they say a transit system and a bike path to Ken's Lake. He stated that he feels like there isn't enough transparency with the citizens on what we're doing and how we should do it. He said that he spoke with a guy from Layton where they split up into districts and have all their business owners come together to talk about development. He said that he doesn't know why we haven't done that before.

Dottie Bird stated that a transit system is a wonderful thing. She states that, on her way home from work, she sees kids walking to Spanish Valley after a long day of work. She said that it's criminal how these kids must walk 15 miles after working double shifts. She said that she would love a transit system, and that she'll drive. She stated that, as far as the parking structure goes, she loves that Council is trying to take care of us, but she prefers parking on Main Street the way it is. She said that the real estate is too valuable to be used for parking. She said that she would like to have a walking area or a biking area behind the stores between the blocks.

Amy Weiser stated that, if Council decides the parking structure is not the way to go, then they should look at Councilmember Jones' resolution. She said that Council should look at Councilmember Jones' Resolution 17-2020 before they look at Resolution 15-2020. She states that Resolution 17-2020 is thorough and has ideas for a cost-sharing agreement with the County. She said that she strongly encourages Council to look at this resolution since we have a six-month deadline.

Councilmember Knuteson-Boyd moved to close the public hearing. Councilmember Jones seconded the motion. The motion carried 5-0 aye with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye. Mayor Niehaus closed the public hearing at 8:37 PM.

Old Business:

Resolution 15-2020: A Resolution Directing the Termination of Agreements Related to the Downtown Parking Structure Project and Directing Coordination with Grand County to Pursue Different Projects for Hotspot Funding—Tabled

Discussion: Mayor Niehaus stated that Resolution 15-2020 and 17-2020 are listed in the order that they were received. She asked if Council would prefer to discuss both resolutions at the same time, since they are related. Councilmember Derasary said that she had spoken to City Attorney Simonson and was under the impression that the resolutions had to be addressed in order. City Attorney Simonson clarified that Council could take a vote to change the order of which resolution is addressed first. She clarified that both resolutions could be discussed simultaneously, but they would need to be voted on separately. Mayor Niehaus said that she is fine with discussing Resolution 17-2020 with Resolution 15-2020, but she wanted Council's approval to do so. Councilmember Knuteson-Boyd said that, because the resolutions are related, she believes Council will have a hard time discussing one at a time. Councilmember Duncan said that Resolution 15-2020 is not worded exactly as it was intended. He said that they want to say "renegotiation" of the UDOT agreement, instead of using the word "termination".

Councilmember Derasary asked for confirmation that the word "termination" was being changed to "renegotiation". Councilmember Guzman-Newton said that she wants the resolution to have line two say "to direct staff to work with UDOT to repurpose the Hotspot Funding to be used for the highest and best use of the funding criteria, and to be more in line with what UDOT has already stated in their letters that we have received from UDOT officials and Chair Naghi Zeenati." City Attorney Simonson recommended that, if there is a motion, Council will clarify the resolution. Councilmember Guzman-Newton provided background for how the decision was made to fund the parking structure. She stated that we need to look at safe streets and providing transportation options. She suggested that Council go back to the list of projects provided by the Hotspot Committee with the County Council. She stated that this project was initially a joint project with the County. She also stated that we need to get community buy-in for the projects that are selected. She stated that a task force needs to be created, and it should include the new Downtown Main Street Alliance, the Chamber of Commerce, the Travel Council, and the Transit Committee. Councilmember Guzman-Newton said that she spoke with UDOT Region 4 Deputy Director Monte Aldridge and UDOT Region Planning Manager Jeff Sanders who have resources to help us. Councilmember Guzman-Newton showed a list of parking ideas provided by UDOT. Councilmember Derasary asked if there were any parts of Resolution 17-2020 that would be integrated into Resolution 15-2020. Councilmember Guzman-Newton said that the transparency in Resolution 17-2020 was good, and she wants to make sure that the public can join in during future meetings. Councilmember Jones stated that he agrees with what has been said. He stated that he was a member of the original Hotspot Committee that looked at many different projects. He said that his resolution (Resolution 17-2020) was proposed because he felt that this resolution (Resolution 15-2020) didn't address transparency adequately. He also said

that the Arches Hotspot Region Coordinating Committee couldn't have more than two members of City Council, because more than that would create a quorum. He said that the County Council could have more than two members before they reached a quorum, which would be inequitable. Councilmember Guzman-Newton clarified that the resolution states two members from each council would be on the committee. Councilmember Jones said that the committee doesn't address the issue of community involvement. Councilmember Knuteson-Boyd said that she agreed with Councilmember Jones that the thought process has evolved regarding parking projects. She said that everything has not been reported in an accurate, factual, and detailed manner. She stated that Resolution 17-2020 provides the history behind the funding and broader solutions for the project. She also stated that there has not been any formal research presented to the City Council regarding a transit system. Councilmember Knuteson-Boyd said that a transit system needs to have researched ADA compliance, be reliable, and have specific locations for the busses to stop at. She also said that bus barns are not aesthetically pleasing structures, but the busses must be parked somewhere when not in use. She said that the busses will need someone to repair them. She stated that she supports Resolution 17-2020 because it is more factual and lays out a better path for going forward. Councilmember Duncan said that he had another amendment to Resolution 15-2020, in paragraph 4: "with council members from each governing body to include the additional tie-breaking vote of a single representative of UDOT." City Manager Linares suggested that the tie-breaking vote be another representative from the City, even if it creates a quorum, so that the City bears most of the responsibility. Councilmember Derasary wanted to know what happens if the County is not interested in being part of the committee. She stated that she would like to amend Resolution 15-2020 to include transparency and record-keeping. Councilmember Jones stated that Resolution 17-2020 already has that language in it. City Attorney Simonson suggested that parts of Resolution 17-2020 could be added to Resolution 15-2020. Councilmember Knuteson-Boyd asked if the Resolutions could be tabled until they are combined into one resolution. Mayor Niehaus stated that the critical question is whether to close the door on the Downtown Parking Structure. Councilmember Guzman-Newton said that, since we only have until September 1st, there needs to be a decision tonight. Councilmember Derasary asked City Attorney Simonson and City Manager Linares what the differences are between the two resolutions after the amendments are made to Resolution 15-2020. City Attorney Simonson stated that there are two contracts that would need to be addressed in order to stop funding on the Downtown Parking Structure: UDOT and Kimley-Horn. City Manager Linares said that he issued a stop work order to Kimley-Horn three weeks ago. Mayor Niehaus asked what the outstanding bill amount is for Kimley-Horn; City Manager Linares said that it's about \$299,000. Councilmember Jones clarified that part five of Resolution 17-2020 does not state that the parking structure work will resume after May 10.

Motion: Councilmember Duncan moved to adopt Resolution 15-2020: A Resolution Directing the Termination of Agreements Related to the Downtown Parking Structure Project and Directing Coordination with Grand County to Pursue Different Projects for Hotspot Funding with the following modifications to the tenants of what is actually resolved by City Council. He said that item two will now say "City Council directs the City Manager to renegotiate the Cooperative Agreement with UDOT, dated 22 July 2019, in a way that minimizes legal and financial risk to the City." He said that item 4 will now include the sentence, "The 'Arches Hotspot Region Coordinating Committee,' shall conform to the Open Public Meetings Act." He said that Item five will be deleted to leave membership open to the public. Councilmember Guzman-Newton seconded the motion. Councilmember Duncan added another amendment to item three: "When the renegotiation of the Cooperative Agreement is executed, the City Council directs the City Manager to terminate the City's consulting services agreement with Kimley-Horn dated 24 October 2019." Councilmember Guzman-Newton seconded the additional amendment.

Vote: The amendments to Resolution 15-2020 passed 3-2 with Councilmembers Duncan, Guzman-Newton, and Derasary voting aye. Councilmembers Jones and Knuteson-Boyd were opposed.

Discussion: Councilmember Derasary asked if part four needs language changed to include all the different groups that would be incorporated. Councilmember Guzman-Newton stated that City Attorney Simonson had suggested the formation of a sub-committee. City Attorney Simonson clarified that it would be a task force with a particular purpose and a set timeline. Councilmember Guzman-Newton stated that the committee would be County and City Councilmembers, but the task force would include the public and cover a broad range of options. Councilmember Jones stated that the language in Resolution 17-2020 attempts to address the committee questions. He also expressed concern about a sentence at the end of part four in Resolution 15-2020 which reads, “The Committee will serve as the point contact with UDOT for purposes of the Hotspot Funding Program and any subsequent applications for future project funding.” Councilmember Jones said that the point of contact should be City staff, not the County and City Councilmembers on the committee. Councilmember Duncan proposed an amendment that states, “The Committee will serve as the primary but not exclusive contact with UDOT for purposes of the Hotspot Funding Program and any subsequent applications for future project funding.” Councilmember Jones said that it doesn’t sound any different from the original sentence. Mayor Niehaus requested that the resolution include payment to Kimley-Horn from the Hotspot funding for the work they have completed in the amount of \$299,000. Councilmember Jones said that the committee or task force should be used for the Hotspot Funding solution only. Mayor Niehaus suggested that the council reconvene the following day with a final amended resolution before they have a motion. Councilmember Guzman-Newton asked if that was permitted. City Manager Linares said it is possible to issue a directive to City staff while the resolution is being refined. Councilmember Guzman-Newton stated that she didn’t want to wait, and that the resolution was almost complete now. City Assistant Manager Castle brought the document on the screen with the amended sections so Council could continue their discussion. City Manager Linares stated that Councilmember Duncan could withdraw his motion while Council edits the resolution. Councilmember Duncan withdrew his motion. Councilmember Derasary requested that both resolutions be projected on the screen while the edits take place. Mayor Niehaus stated that Council would take a two-minute restroom break while the resolutions were put on the screen. Mayor Niehaus said that the beginning of both documents is very different. Councilmember Duncan suggested tabling Resolution 17-2020 because it’s being discussed already. Councilmember Guzman-Newton said that she has scheduling conflicts and could not meet later during the week to complete the resolution edits. Councilmember Knuteson-Boyd inquired if Councilmember Guzman-Newton could meet remotely later this week, instead of in person. Councilmember Guzman-Newton agreed that was possible. Mayor Niehaus said that Council can direct staff to blend the resolutions to match the Council’s intent. She asked Council if they preferred the language in the “whereas” section of Resolution 15-2020 or Resolution 17-2020. Councilmembers Duncan and Guzman-Newton stated that they preferred Resolution 15-2020’s language. Councilmember Knuteson-Boyd said that the language was more factual in Resolution 17-2020. Mayor Niehaus said that there wouldn’t be a compromise between the two resolutions over that section then. Councilmember Guzman-Newton requested to focus on the “therefore” section of Resolution 15-2020. She requested help with re-wording the last sentence in part four. Mayor Niehaus requested the added language about the \$299,000 payment owed to Kimley-Horn as part of the Hotspot funds. City Manager Linares said that Mayor Niehaus’ request couldn’t be added to this resolution. Mayor Niehaus asked Councilmember Derasary if she wants the parking structure to remain an option going forward, or if she doesn’t want it at all.

Motion and Discussion: Councilmember Guzman-Newton made a motion to support Resolution 15-2020: A Resolution Directing the Termination of Agreements Related to the

Downtown Parking Structure Project and Directing Coordination with Grand County to Pursue Different Projects for Hotspot Funding with the modifications that are shown on the board. Councilmember Duncan seconded the motion. Councilmember Jones stated that this resolution doesn't include the language in part three of Resolution 17-2020. He stated that the City will need help from more than just volunteers to come up with a new transportation plan that is accepted by UDOT in the 5 1/2-month timeframe. Councilmember Duncan suggested a modification to part three of Resolution 17-2020 to include "City staff at City Council's direction shall engage the relevant parties at Grand County and UDOT to determine the feasibility, cost, and staffing needs to quickly shift the current transportation planning focus to transit. This information shall be brought to City Council, and County Council should their leadership so choose, for consideration." Councilmember Duncan stated that he wants Council to have control over which staff members participate in this process. Councilmember Derasary asked if Councilmember Duncan wanted to cut and paste that section from Resolution 17-2020 into Resolution 15-2020. Councilmember Duncan agreed that was his intent. Councilmember Guzman-Newton said that she agrees to that additional amendment. Assistant City Manager Castle asked Councilmember Duncan if the amendment was correct on Resolution 15-2020 on the screen. Councilmember Duncan said yes, Councilmember Guzman-Newton said no. She stated that the language about "shifting the current focus to transit" is not correct. She stated that she wants to focus on more options than just transit. Councilmember Duncan withdrew his amendment. Councilmember Guzman-Newton wants to be sure that specific staff members are involved in this process, and she asked City Manager Linares how to word that. Councilmember Knuteson-Boyd said that this is the process when creating a resolution. Mayor Niehaus asked Councilmember Derasary if she was okay with the "whereas" section of Resolution 15-2020. Councilmember Derasary said that she is not comfortable with either resolution the way they are currently. Councilmember Knuteson-Boyd stated that she wants a clean resolution, and neither one is perfect. She proposed that Councilmembers Duncan, Jones and Guzman-Newton (if available) meet with City staff to finalize the blending of the two resolutions. Mayor Niehaus asked if that was acceptable, and if Council could have a special meeting on Friday to adopt the final product.

Motion: Councilmember Jones moved to table the resolution until a special meeting in the near future. Councilmember Knuteson-Boyd seconded the motion

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

Resolution 17-2020: A Resolution Suspending Design of the Downtown Transportation Hub and Considering Alternative Uses of the Hotspot Funding—Tabled

Motion and Vote: Councilmember Derasary moved to table this discussion. Councilmember Guzman-Newton seconded the motion. The motion to table the resolution passed 5-0 aye with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Improvements to City Communication and Outreach Based on Observed Discussions Around Highway Widening and Hotspot Funded Projects

Discussion: Councilmember Derasary stated that this is a discussion item only. She said that some of the meeting packets include private property parcels that haven't been authorized by the owners. She said that she wants to have a process that includes discussion with the owners before private property parcels are included in the packets. She requested that, if meetings take place that involve multiple stakeholders, then they should be on the record. She also requests a process for allowing last minute hand-out documents pertaining to agenda items. She wants to know if there's a tool that can be used to update stakeholders on projects pertaining to them. She said that she wants to invite ULCT General Council David Church to meet annually with

Council and Planning Commission. She also inquired about a way to prevent inaccurate information from being presented for agenda items that require a vote. Councilmember Derasary referenced the vote regarding Hotspot funding for dispersed parking at Emma Boulevard. Councilmember Guzman-Newton stated that she should have recused herself from that vote, and she inquired if she should recuse herself from the current conversation. City Manager Linares said that the obligation is for Councilmembers to disclose any conflicts, and it's the Council's decision if a person needs to be recused. Councilmember Guzman-Newton said that she would not vote on or participate in the subject matter, but that she wants to hear the discussion. Councilmember Derasary said that references were made in the February 11th Council Meeting that the dispersed parking action for Emma Boulevard was to benefit the neighboring businesses. Councilmember Derasary had asked during that meeting if the neighbors had been contacted regarding the proposal. She had been informed that Poison Spider and Arches Realty had been contacted. The next morning, Councilmember Derasary was contacted by Scott Newton, who said that he was not contacted prior to the meeting. Councilmember Derasary stated that the misinformation may have influenced Councilmembers' votes, which is why she requests a re-vote. She stated that she wants the City Manager's advice to make changes so this doesn't happen again. She also requests that Council re-vote on this item. Councilmember Knuteson-Boyd requests that people's names and business are not used on the dais, unless it's specific to an agenda item that's being addressed. She would also like to have a policy regarding devices and texting during meetings. Councilmember Guzman-Newton would like any communication received from citizens regarding agenda items be included in the packets. City Manager Linares stated that he receives communication after the agenda has posted, so it can't be included in the meeting packet. Mayor Niehaus asked if the communications could be added to the minutes after the meeting has occurred. City Manager Linares requested that the City Recorder be added to the Council email thread, so he won't have to forward all the emails. Councilmember Duncan stated that Council should read the emails prior to the meeting, so the members are informed. He said that the responsibility shouldn't fall on the City Manager. Councilmember Guzman-Newton clarified that she wants the emails on the record because constituents are saying that they aren't heard or that they haven't been responded to. City Manager Linares stated that agenda materials are now due on Wednesday at noon because the turnaround to have the agenda completed by Thursday afternoon isn't working. Councilmember Derasary asked how to proceed with the proposed changes in this discussion. City Manager Linares said that the changes have already been implemented, starting a month ago. Councilmember Derasary asked if she should read the six bullet points on her document and City Manager Linares said that was up to her. Councilmember Derasary stated that these are the questions she raised regarding the potential misinformation about the Emma Boulevard Dispersed Parking: "1. Why was I assured last night that business owners had been spoken to, when Mr. Newton tells me no one has spoken to him for some time, and no one from the City contacted him to update him recently, and no one certainly let him know this plan was being proposed for last night or sought his feedback? 2. I believe there are other business owners we are purporting to help who also were not contacted prior to last night's vote. Why, particularly when it was stated last night that they were? 3. I understand several businesses were contacted today, February 12th - *post Council vote* - about the project and vote. How does this make any sense? How can the City not only purport, but then also take credit in a public meeting for how we are helping these businesses and not consult with them prior to said vote? 4. This is where I ask for an agenda item on the meeting about this. I am requesting that it be listed as revisiting the vote, as voting Councilmembers were told before the vote in more than one way that this was specifically to benefit businesses losing parking, who are now telling us they were not consulted, and may not agree with that interpretation. If the vote can't be revisited, please let me know why. 5. I would like an explanation at said meeting about who was told what when. If errors have been made, I would like an explanation of what they were plus an apology to the

property owners and neighbors in question, the Council who were set up to vote on this with insufficient and apparently erroneous information, and the public. Then I would like to know if this changes anyone's vote. 6. Finally, it was also stated in our February 11th meeting that discussions were going on about easement/walkway from Maverick to Emma with what I took to be an inference that businesses were speaking to churches. Please correct me if I heard that wrong. It's my understanding from speaking to Mr. Newton that when the City last spoke to him, apparently some time ago, the City had assured him we were working on this easement." Mayor Niehaus stated that the workshop today addressed most of that list. She asked Councilmember Derasary if there were any outstanding items left unanswered. Councilmember Derasary said that the questions had been answered either directly or indirectly.

Reconsider Approval for City Staff to Request UDOT Approval to Use Dispersed Parking Hotspot Funding to Construct the Emma Blvd Dispersed Parking Facility—Passed

Motion and Vote: Councilmember Derasary made a motion to Reconsider Approval for City Staff to Request UDOT Approval to Use Dispersed Parking Hotspot Funding to Construct the Emma Blvd Dispersed Parking Facility. Councilmember Duncan seconded the motion. The motion passed 4-0 aye with Councilmembers Derasary, Duncan, Knuteson-Boyd and Jones voting aye. Councilmember Guzman-Newton abstained from the vote.

Reconsideration of Approval for City Staff to Request UDOT Approval to Use Dispersed Parking Hotspot Funding to Construct the Emma Blvd Dispersed Parking Facilities—Failed

Discussion and Motion: Councilmember Knuteson-Boyd requested clarity on adding the information from the workshop to this vote. City Manager Linares said that an amendment could be made to the motion that was done last time. Councilmember Jones said that it was not confirmed that UDOT will fund the project. Councilmember Knuteson-Boyd made a motion to instruct staff to approach UDOT to use Hotspot funding for the Emma Boulevard Dispersed Parking Project and consider the changes that were brought to us by citizens tonight. Councilmember Jones seconded the motion. City Manager Linares clarified what was discussed in the workshop as a one-way street for a portion of Emma Boulevard. Councilmember Jones agreed but said that it may not be the best plan; however, he still wants it to be an option on the table. Councilmember Duncan stated that he doesn't want to allocate any City money on the project until questions are answered regarding access and paving. Councilmember Knuteson-Boyd withdrew her motion. Councilmember Jones agreed with the withdrawal of the motion. Councilmember Derasary said that this agenda item was to verify if the votes remain the same with correct information. City Manager Linares stated that if there isn't a motion then the vote from two weeks ago stands. Councilmember Duncan made a motion to table the consideration of UDOT administered dispersed parking Hotspot funding at Minnie Lee, Maxine, or Emma Boulevard until questions about access from Emma Boulevard to Main Street can be resolved. Councilmember Derasary seconded the motion. City Manager Linares asked if the term access refers to the footpath; Councilmember Duncan agreed that it did. Councilmember Jones stated that the motion is to request information from UDOT. City Manager Linares said that Ryan Anderson from UDOT kept stating in the workshop that the plans on the screen have not been approved. Councilmember Duncan stated that he doesn't want to commit funds to the project after hearing the public's opinion against it. City Manager Linares suggested that Councilmember Duncan withdraw his current motion and instead make a motion to table the prior decision. Councilmember Duncan withdrew his previous motion. Councilmember Derasary agreed with the withdrawal. Councilmember Duncan made a motion to table the previous motion two weeks ago. Mayor Niehaus asked City Attorney Simonson if that was enough information. City Attorney Simonson said that there would need to be more specificity.

City Manager Linares suggested that the motion read “the motion two weeks ago to reconsider the approval for City staff to request UDOT approval to use dispersed parking Hotspot funding to construct Emma Boulevard.” Councilmember Duncan confirmed that he wishes to table that motion. Councilmember Derasary seconded the motion.

Vote: The motion failed 3-2 with Councilmembers Knuteson-Boyd and Jones voting nay and Councilmembers Derasary and Duncan voting aye. Mayor Niehaus voted nay as the tiebreaker. Councilmember Guzman-Newton abstained from the vote.

New Business:

Parking Layout Options for 100 South between 100 West and Main Street Agenda Summary—Approved

Motion: Councilmember Jones moved to approve layout option 2. Councilmember Derasary seconded the motion and said that she had one discussion question. She stated that a community member wanted to know if the parallel parking could be reinstated on the North side of the Hogan.

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

Main Street 2-hr Parking Restriction Agenda Summary—Moved to the next Council meeting

Discussion: Mayor Niehaus stated that this agenda item is being moved to the next council meeting.

Ordinance 2020-05: An Ordinance Repealing Alcohol Licensing in Moab City—Tabled

Discussion and Motion: Mayor Niehaus asked if there was a motion for this agenda item. Councilmember Derasary moved to table this item. Councilmember Knuteson-Boyd seconded the motion.

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

Resolution 13-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus--Approved

Motion and Discussion: Councilmember Derasary moved to approve Resolution 13-2020. Councilmember Knuteson-Boyd seconded the motion.

Vote: The motion to approve Resolution 13-2020 passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Approval of Bills Against the City of Moab: Mayor Niehaus stated that there were no bills to approve at this time.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0, Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye. Mayor Niehaus adjourned the meeting at 11:12 PM.

APPROVED: _____

Emily S. Niehaus, Mayor

ATTEST:

Sommar Johnson, City Recorder

**MOAB CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
March 20, 2020**

Special Meeting & Attendance: The Moab City Council held a Special City Council Meeting on March 20, 2020. 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. A recording of the meeting is archived at www.utah.gov/pmn/index.html. A video recording is archived at: <https://www.youtube.com/watch?v=GNpKECaReCg>.

Mayor Emily Niehaus called the meeting to order at 11:32 AM. Participating remotely were Councilmembers Rani Derasary, Karen Guzman-Newton, Tawny Knuteson-Boyd, Mike Duncan and Kalen Jones. Staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, and City Recorder Sommar Johnson.

Proposed Ordinance 2020-06: An Ordinance Amending Moab Municipal Code Section 2.04.100, Meetings-Electronic Participation

City Manager Linares began the meeting by thanking Jen Sadoff and Moab Regional Hospital, Orion Rogers and the Southeast Utah Health Department, Chris Baird and Grand County, Grand County EMS, Moab City Police, and the Grand County Sheriff's Office for the efforts they have put in over the last few weeks. He also thanks City staff for their effort in keeping City Hall functioning. He does not feel that services have fallen off and believes that some processes are better now. He feels everyone is working far beyond their hours to make this work and it is appreciated by Assistant City Manager Carly Castle and himself. He said that City Hall is open for business and we will keep inspections, business licensing, plan review and all other functions of City Hall going throughout this process. He indicated there is no plan to stop functions of City Hall unless he is told by a higher authority that we need to stop. He thanked the Mayor for doing public outreach through live events to get the word out that our water and sewer systems are safe and secure, and people do not need to be scared or insecure about those facilities. He stated those systems will continue operating and we have workers that are dedicated to making sure those systems function for the community. He explained that meetings would be different through this process, but we are committed to being open to the public and these meetings are available to the public. He said that there will be a place for public comment on our next regular agenda with a link to a form for individuals to fill out and submit comments to the City Council. He stated those comments will be included into the minutes and part of the permanent record. He indicated that most cities he has talked to are not including public comments at this time because they do not have an anchor location. City Manager Linares said he does not think that is appropriate and we will keep the dialogue with the public open even though we are not in a room together. He indicated that we want the public involved and want them to have access to what we are doing and encourage the public to submit comments through that form.

Mayor Niehaus thanked City Manager Linares for leading staff in this effort to take care of ourselves internally while also working hard to communicate with the community about doing business and for being one of the leaders on the Grand County COVID Task Force.

Mayor Niehaus asked about the citizens to be heard from on the next agenda and asked if she would read the comment form during the meeting or if the comments would just be published.

City Manager Linares explained that the idea right now was to publish the comments as part of the record. He believes there may be a lot of comments and it may be very time-consuming to

read them during the meeting. He explained that the comments would be provided to City Council as we receive them, so Council has an opportunity to read them prior to the meeting and then incorporate them into the minutes without reading them aloud during the meeting. He indicated that we are still working with the state to address the public hearing process because it is different than citizens to be heard.

Councilmember Derasary asked if they should be freeing up their schedules to read the comments prior to the meeting. She feels that most comments may come in last minute and if the comments are about an agenda item that they are voting on it can sometimes influence their decision. She asked from a logistical standpoint if they should set aside time before the meeting to read the comments because they will not be read aloud during the meeting.

City Manager Linares explained that typically those that come to a meeting and speak during citizens to be heard are usually emailing Council beforehand with their thoughts and comments. He hopes that this process is no different than what Council is used to in regular meetings. He explained that several options have been discussed for the citizens to be heard portion of the agenda and we are still working through the logistics of how it is going to work. He said that we have the ability to change the deadline to allow Council time to read all comments prior to the meeting.

Councilmember Knuteson-Boyd asked if citizens were encouraged to submit their comments via email or if they would be posted on the council comment portion of the agenda.

City Manager Linares explained that the citizens to be heard comment form is for citizens to make comments for the Council's intake as part of the decision-making process and not for the purpose of answering questions. He said that citizens will have to fill out the form to have their comments included as part of the official record. He said if citizens simply send an email to the Council it is not considered part of the record for the meeting.

Councilmember Derasary asked about the wording of the ordinance repealing the specific code section and asked if the intent was to return to normal operating procedures for meetings after the emergency order period passes.

City Manager Linares explained that we are amending the electronic participation rules for the current situation, but we have the option to amend the rules again at the end of the current situation.

City Attorney Simonson clarified that we are trying to create a structure for electronic meetings that would be useful beyond the emergency situation we are in right now. She indicated that the proposed ordinance repeals the existing language in the code and replaces it with the language in the ordinance before Council.

Councilmember Derasary requested that the ordinance be revisited once the emergency passes because she prefers that most meetings be held at an anchor location. She appreciates having this exception in place for instances where someone could not make the meeting and is able to participate but wants to reassure the public that the intention is to go back to meeting in public in a group in front of people.

Mayor Niehaus explained the process for making and seconding motions and explained that voting would be through a randomized roll call vote.

City Manager Linares explained the reasoning for a randomized roll call vote was to eliminate any strategizing in the way Councilmembers are called on to vote.

Motion and Vote: Councilmember Derasary moved to adopt Ordinance 2020-06 repealing and replacing the City of Moab Municipal Code Section 2.04.100. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye by a roll-call-vote.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion carried 5-0 aye. Mayor Niehaus adjourned the meeting at 11:59AM.

DRAFT

Moab City Council Agenda Item
Meeting Date: March 10, 2020 (tabled)
Meeting Date: April 14, 2020

Title: Approval of Proposed Ordinance #2020-05 – Repealing Local Alcoholic Beverage Licensing and Associated Fees

Date Submitted: February 28, 2020

Presenter: Rachel Stenta, Finance Director

Attachment(s):

- 1) Draft Ordinance #2020-05

Background/Summary:

When I started as business licensing official 22 years ago, City's were granted the authority by the Department of Alcoholic Beverage Control (DABC) to regulate and license beer sales within the City for 3.2% beer only. Since that time the state has made several changes:

- 1) A state DABC license is now required for all sales of alcohol including beer; and
- 2) Beer sales in the state of Utah are no longer limited to 3.2% beer.

The regulation that our licensing served in the past was to check an applicant's criminal history, to check the proximity of the sales location to schools, public parks, churches, etc. and to ensure a successful health inspection. The DABC license requires all of the same criteria. Further, an applicant cannot purchase or sell any type of alcohol without a DABC license. The City license is now completely redundant and after speaking to DABC they confirmed that it is the City's option to issue alcohol licenses and some cities have chosen not to license for the same reasons mentioned.

Every business that seeks a DABC license to serve or sell alcohol within Moab city limits is required to obtain Local Consent from the City of Moab prior to applying with DABC. That ensures that the City still has some oversight and knowledge as to which businesses are applying to sell and serve alcohol.

My recommendation is to repeal our Alcohol Licensing code and remove the fees associated with those licenses effective immediately. We can prorate a refund for existing license holders.

Thank you and please let me know if you have any questions.

ORDINANCE #2020-05
AN ORDINANCE REPEALING CITY OF MOAB MUNICIPAL CODE, CHAPTER
5.20, ALCOHOLIC BEVERAGES AND AMENDING CHAPTER 3.50 REMOVING ALL
FEES FOR ALCHOL LICENSES

WHEREAS, the Moab, Utah (City) City Council (“Council”) adopted the Moab Municipal Code (“Code”) Title 5.20, Alcoholic Beverages in an effort to regulate the sale of Alcoholic Beverages; and,

WHEREAS, City Council adopted title 3.50 updating fees for alcohol licenses; and

WHEREAS, the Department of Alcoholic Beverage Control regulates and oversees all sales of Alcoholic Beverages within the state of Utah; and

WHEREAS, the Department of Alcoholic Beverage Control licenses all businesses seeking to sell Alcoholic Beverages and conducts background checks and enforces proximity locations for all sales outlets; and

WHEREAS, the City has to review and grant or deny Local Consent for all business located within Moab City that are seeking licensure through the Department of Alcoholic Beverage Control; and,

WHEREAS, over time, City staff has recognized that state code regulating the licensing of Alcoholic Beverages has changed and has rendered the City’s local licensing of sales of Alcoholic Beverages redundant; and,

WHEREAS, Council found that the elimination of these local Alcoholic Beverage licenses will increase licensing efficiency and lower costs for local businesses.

NOW, THEREFORE, the Moab City Council hereby ordains that Chapter 5.20, Alcoholic Beverages be repealed in its entirety and that the fees for Alcohol licenses be removed from chapter 3.50 and that the following amendments to the Moab Municipal Code are adopted as noted in Attachment A.

PASSED AND APPROVED by a majority of the Moab City Council. This ordinance shall take effect no later than twenty (20) days from the date of publication.

SIGNED:

Emily S. Niehaus, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

Date

Chapter 3.50

3.50.050 Business Licenses

	<u>Initial</u>	<u>Renewal</u>
General Business	\$99.00	\$26.00
Vendor	\$214.00	\$52.00
Vendor - Ice Cream Truck	\$222.00	\$52.00
Solicitor, Peddler, Merchant	\$111.00	\$52.00
Nightly Rentals, 3 units or less	\$116.00	\$26.00
Nightly Rental, more than 3 units	\$145.00	\$26.00
Home occupation	\$0	\$0
Retail beer licenses		
Bar Establishment	\$500.00	\$500.00
Beer Recreational	\$200.00	\$200.00
Hotel	\$500.00	\$500.00
Off-premise sales	\$90.00	\$90.00
Restaurant	\$200.00	\$200.00
Tavern	\$500.00	\$500.00

Chapter 5.20

ALCOHOLIC BEVERAGES¹

Sections:

~~Article I.—Definitions~~

~~5.20.010—Scope.~~

~~5.20.020—Alcoholic beverages.~~

~~5.20.030—Beer.~~

~~5.20.031—Beer retailer.~~

~~5.20.032—Beer wholesaler.~~

~~5.20.035—Community location.~~

~~5.20.040—Licensed premises.~~

~~5.20.050—Liquor.~~

~~5.20.060—Nuisance.~~

~~5.20.070—Place of business.~~

~~5.20.075—Premises.~~

~~5.20.080—Restaurant.~~

~~5.20.100 — Sell or offer for sale.~~

~~Article II. — Licenses and Local Consent~~

~~5.20.115 — Alcoholic beverage sales regulated.~~

~~5.20.120 — Wholesale sale of beer.~~

~~5.20.130 — Retail sale of alcoholic beverages.~~

~~5.20.140 — Purchase of alcoholic beverages for resale.~~

~~5.20.150 — Retail alcohol license classification and local consent — Generally.~~

~~5.20.200 — Application — Generally.~~

~~5.20.210 — Application — Police Department referral.~~

~~5.20.220 — Application — Health Department referral.~~

~~5.20.230 — Expiration.~~

~~5.20.240 — Forfeiture.~~

~~5.20.250 — Fees.~~

~~5.20.270 — Refusal.~~

~~5.20.280 — Revocation.~~

~~5.20.290 — Suspension.~~

~~5.20.300 — Sublease, transfer or assignment prohibited.~~

~~5.20.310 — Operation to conform with law.~~

~~5.20.325 — Violation — Penalty.~~

~~Article III. — General Regulations~~

~~5.20.340 — Sale to intoxicated person prohibited.~~

~~5.20.345 — Unlawful to permit intoxicated persons on licensed premises.~~

~~5.20.350 — Supplying to minors prohibited.~~

~~5.20.355 — Possession of alcoholic beverages prohibited to minors — Exception.~~

~~5.20.360 — Consumption of alcohol in public places.~~

~~5.20.370 — Alcohol at City sponsored public events.~~

~~5.20.380 — Nuisance prohibited.~~

~~5.20.410 — Adulterated alcoholic beverage.~~

~~5.20.420 — Consumption prohibited in unlicensed premises.~~

~~5.20.430 — Supply to person whose license is suspended or revoked.~~

~~5.20.440 — Supply to prohibited persons.~~

Prior legislation: Prior code Sections ~~3-1-1 through 3-1-11, 3-2-1 through 3-2-19, 3-3-1 through 3-3-23, 3-4-1 through 3-4-11 and Ords. [11-80](#), [84-04](#), [85-09](#), [87-03](#), [91-02](#), [94-14](#), [99-03](#), [99-09](#), [01-01](#), [03-05](#), [03-10](#), [10-10](#), [11-80](#), [12-12](#), [17-34](#) and [18-05](#).~~

Article I. Definitions

5.20.010 — Scope.

The words and phrases used in this chapter shall have the meaning specified in the State of Utah Alcoholic Beverage Control Act unless a different meaning is clearly evident or specified. (Ord. 18-15 § 2, 2018)

5.20.020 — Alcoholic beverages.

“Alcoholic beverages” means and includes “beer” and “liquor” as they are defined herein. (Ord. 18-15 § 2, 2018)

5.20.030 — Beer.

“Beer,” “light beer,” “malt liquor,” or “malt beverages” means all products that contain at least one-half of one percent alcohol by volume, but not more than four percent alcohol by volume or three and two-tenths percent by weight, and are obtained by fermentation, infusion, or decoction of any malted grain. (Ord. 18-15 § 2, 2018)

5.20.031 — Beer retailer.

“Beer retailer” means any person engaged in the sale or distribution of beer to the consumer. (Ord. 18-15 § 2, 2018)

5.20.032 — Beer wholesaler.

“Beer wholesaler” means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesale or jobbing quantities. (Ord. 18-15 § 2, 2018)

5.20.035 — Community location.

“Community location” means:

A.—A public or private school;

- B. ~~A place of worship;~~
- C. ~~A public library;~~
- D. ~~A public playground; or~~
- E. ~~A public park. (Ord. 18-15 § 2, 2018)~~

~~5.20.040 — Licensed premises.~~

~~“Licensed premises” means any room, house, building, structure or place occupied by any person licensed to sell or to allow the consumption of alcoholic beverages on such premises under this title. Multiple beer or liquor dispensing facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises; provided, that each dispensing point must be designated and the appropriate fee(s) paid and the license prominently displayed at each dispensing point. (Ord. 18-15 § 2, 2018)~~

~~5.20.050 — Liquor.~~

~~“Liquor” means alcohol, or any alcoholic, spirituous, fermented, malt or other liquid or a combination of liquids, a part of which is spirituous, or fermented, and all other drinks or drinkable liquids, containing at least one-half of one percent alcohol by volume. “Liquor” includes wine and heavy beer, which is defined as beer that contains more than four percent of alcohol by volume. “Liquor” shall not include “beer” as defined in Section [5.20.030](#). (Ord. 18-15 § 2, 2018)~~

~~5.20.060 — Nuisance.~~

~~“Nuisance” means any room, house, building, structure, place or licensed premises, where:~~

- ~~A. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used contrary to the Alcoholic Beverage Control Act or this chapter, or where persons resort for drinking alcoholic beverages contrary to the Alcoholic Beverage Control Act of Utah or this chapter; or~~
- ~~B. Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral or lewd conduct is permitted, or carried on; or~~
- ~~C. Persons under the age of twenty one are permitted to purchase or drink alcoholic beverages; or~~
- ~~D. Laws or ordinances are violated by a licensee or its agents or patrons with the consent or knowledge of licensee upon such premises which tend to affect the public health, peace or morals; or~~

~~E. Any sign is displayed which is obnoxious, gaudy, blatant or offensive. (Ord. 18-15 § 2, 2018)~~

~~5.20.070 — Place of business.~~

~~A. “Place of business,” as used in connection with the issuance of an alcoholic beverage sales license, shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets and any other place where the general public is invited or admitted for business purposes, and shall also be deemed to include private clubs, corporations and associations operating under charter or otherwise wherein only members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business as herein defined.~~

~~B. A “place of business” shall not be defined to include City owned facilities, including parks, where such facility is used and occupied pursuant to a special event use license and alcoholic beverages are served in accordance with the license and all applicable City regulations, codes, and State statutes. (Ord. 18-15 § 2, 2018)~~

~~5.20.075 — Premises.~~

~~“Premises” means any building, enclosure, room, equipment or other designated areas used in connection with the sale, storage, service, manufacture, distribution or consumption of alcoholic products, unless otherwise defined in this chapter or in the rules adopted by the Alcoholic Beverage Control Commission. (Ord. 18-15 § 2, 2018)~~

~~5.20.080 — Restaurant.~~

~~“Restaurant” means any business establishment where a variety of foods are prepared and complete meals are served to the general public, located on a premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public. (Ord. 18-15 § 2, 2018)~~

~~5.20.100 — Sell or offer for sale.~~

~~“Sell” or “offer for sale” means a transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, agent, or as staff, unless otherwise defined in U.C.A. Title [32B](#), the Alcoholic Beverage Control Act. (Ord. 18-15 § 2, 2018)~~

Article II. Licenses and Local Consent

~~5.20.115 — Alcoholic beverage sales regulated.~~

~~The City of Moab regulates the sales and commercial serving of alcoholic beverages in accordance with all applicable sections of Utah Code Annotated, Title [32B](#), unless a provision of this chapter specifies a distinct procedure or parameter. (Ord. 18-15 § 2, 2018)~~

~~5.20.120 — Wholesale sale of beer.~~

~~It is unlawful for any person to engage in the business of selling beer at wholesale within the limits of the City without first obtaining a license therefor from the Alcoholic Beverage Control Commission of Utah. (Ord. 18-15 § 2, 2018)~~

~~5.20.130 — Retail sale of alcoholic beverages.~~

~~It is unlawful for any person to engage in the business of retail sales of alcoholic beverages within the corporate limits of the City without first having procured a license from the Alcoholic Beverage Control Commission of Utah. A separate State license shall be required for each place of sale and the license itself shall identify the specific premises covered thereby and such license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act of Utah and the regulations of the Alcoholic Beverage Control Commission and this chapter. (Ord. 18-15 § 2, 2018)~~

~~5.20.140 — Purchase of alcoholic beverages for resale.~~

~~It is unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any alcoholic beverages except that which he or she shall have lawfully purchased from a brewer, wholesaler, or retail outlet licensed under the provisions of the Alcoholic Beverage Control Act of Utah. (Ord. 18-15 § 2, 2018)~~

~~5.20.150 — Retail alcohol license classification and local consent—Generally.~~

~~A. Any person who, at the time of applying for a business license, intends to operate a restaurant, bar, or special event where alcoholic beverages are sold for on-premises consumption shall disclose that information on the application under this title.~~

~~B. As provided by State statute, all potential licensees shall obtain written local consent from the City Manager before applying for an alcohol license from the State of Utah. Applicants subject to this section shall obtain and maintain a current valid alcoholic beverage license from the State of Utah, and shall comply with the procedures and standards contained in this title and in the Utah Alcoholic Beverage Control Act.~~

~~C. Retail licenses shall be classified in accordance with the categories enumerated in the Utah Alcoholic Beverage Control Act, and shall carry the privileges and responsibilities hereinafter set forth in this chapter and in Utah State law.~~

~~D. Nothing in this section or in this chapter shall be construed to supersede or waive any provision of the Utah Alcoholic Beverage Control Act, or to permit the distribution of alcoholic beverages other than as provided in the Utah Alcoholic Beverage Control Act.~~

~~E. Issuance of a business license under this title shall not constitute “local consent” as defined by U.C.A. Title [32B](#) of the Utah Alcoholic Beverage Control Act unless the applicant discloses its intent to serve alcoholic beverages and the application is processed in accordance with this section. Business licensees who later wish to obtain an alcoholic beverage license shall obtain the necessary local consent and alcoholic beverage license, as provided by City Code and State law. (Ord. 18-15 § 2, 2018)~~

~~5.20.200 — Application—Generally.~~

~~All applications for local consent or licenses for renewal or reissuance of local consent or licenses and for transfer of local consent or licenses authorized by this chapter shall be verified and filed with the City Manager, who, after determination of local consent, shall file the same with the City Treasurer. The application shall state the applicant’s name in full and must indicate compliance with the requirements specified in the Alcoholic Beverage Control Act. If the applicant is a copartnership, the names and addresses of all partners and, if a corporation, the names and addresses of all officers and directors must be stated. If the business is to be operated by a person other than the applicant, such operator must join in the application and file the same information required of an applicant. It shall be grounds for revocation of the local consent or license for any business required to be licensed by this chapter to be operated by any person who has not filed his or her operator’s information at the time of renewal for the license, or, if operation is assumed during the license period, at least ten days prior to assuming operation of the business.~~

The application and operator's information must be subscribed by the applicant and operator who shall state under oath that the information contained therein is true.

The City shall adhere to the State of Utah's requirements regarding the proximity between community locations and establishments selling or serving alcohol as codified in U.C.A. [32B-1-202](#). (Ord. 18-15 § 2, 2018)

~~5.20.210 — Application — Police Department referral.~~

~~The application for such local consent or license, together with such information and certificate as are required by the City Manager to be attached thereto, shall be referred to the City Chief of Police for inspection and report. The Chief of Police shall, as soon as possible after receiving such application, make a report to the City Manager relative to the granting or denying of such application. Upon receipt of the report, the City Manager shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the same. (Ord. 18-15 § 2, 2018)~~

~~5.20.220 — Application — Health Department referral.~~

~~All applications for local consent filed in accordance with this chapter shall be referred to the Health Department, who shall inspect the premises to be licensed to assure sanitary compliance with the laws of the State, the ordinances of the City and the rules and regulations of the Health Department. If the premises and all equipment used in the storage, distribution, or sale of alcohol fulfill all such sanitary requirements, the Health Department shall issue a permit to the licensee, a copy of which shall be attached to the application for local consent. (Ord. 18-15 § 2, 2018)~~

~~5.20.230 — Expiration.~~

~~If the grantee of local consent to sell or serve alcohol is no longer currently and actively operating a business to sell alcohol, such local consent shall expire within ninety days of the cessation of the grantee's alcohol sales. (Ord. 18-15 § 2, 2018)~~

~~5.20.240 — Forfeiture.~~

~~If any licensee, licensed to do business under the provisions of this chapter, sells his or her place of business, together with the entire assets of the business, the local consent granted by the City shall expire and be forfeited. (Ord. 18-15 § 2, 2018)~~

~~5.20.250 — Fees.~~

~~Fees for applications for local consent shall be adopted by City Council. (Ord. 18-15 § 2, 2018)~~

~~5.20.270 — Refusal.~~

~~The City Manager may, with or without a hearing at its discretion, when in its opinion it is necessary for the protection of public peace or morals, refuse to grant any license or local consent applied for, at any time and in no such case need any cause be stated. (Ord. 18-15 § 2, 2018)~~

~~5.20.280 — Revocation.~~

~~Licenses or local consent may be suspended or revoked by the City Manager for the violation on the licensed premises of any provision of this chapter or of any other applicable ordinance or law relating to alcoholic beverages, or if the licensed premises is used for the commission of any illegal act or activity by any person, or if the person to whom the State license was issued no longer possesses the qualifications required by this chapter and the statutes of the State. The City reserves the right to revoke local consent at any time, even after an alcohol license has been granted by the State of Utah. Upon the revocation of local consent, such licensee must immediately cease selling or serving alcohol. (Ord. 18-15 § 2, 2018)~~

~~5.20.290 — Suspension.~~

~~All licenses or local consent issued pursuant to this chapter may be suspended by the City Manager without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising of the licensee's right to a prompt hearing, to be held within seventy-two hours of the suspension, and listing the cause or causes for such suspension. If a cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration. However, no license or local consent shall be revoked or suspended beyond the initial hearing without first establishing cause thereof, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation. It is unlawful for any person to sell alcoholic beverages at licensed premises during the period of suspension of a license or local consent. (Ord. 18-15 § 2, 2018)~~

~~5.20.300 — Sublease, transfer or assignment prohibited.~~

~~No license or local consent may be transferred, assigned, or subleased in any manner, whether to another person or business entity, or to another location. Any violations of this section shall be grounds for Ordinance #2020-XX~~

~~revocation of the license or local consent, or refusal to renew or issue the license or local consent. Any fees paid by the licensee to the City for local consent or a license shall be forfeited to the City. (Ord. 18-15 § 2, 2018)~~

~~5.20.310 — Operation to conform with law.~~

~~The licensee shall be responsible for the operation of the business in conformance with City ordinances, and it shall be grounds for revocation of the license or local consent if a violation of such ordinance occurs through an act of a licensee, operator, employee, agent, or by a person who is allowed to perform for patrons of the licensee's business, whether or not such person is paid by the licensee for such performance. (Ord. 18-15 § 2, 2018)~~

~~5.20.325 — Violation Penalty.~~

~~Any person who shall engage in the business of retail selling of alcoholic beverages within the corporate limits of the City without having an appropriate State license therefor, or whose license has been revoked, suspended or canceled, or who shall violate any of the terms, clauses or conditions of this chapter shall be guilty of a Class B misdemeanor. (Ord. 18-15 § 2, 2018)~~

~~Article III. General Regulations~~

~~5.20.340 — Sale to intoxicated person prohibited.~~

~~It is unlawful and constitutes an offense of strict liability for any person to sell an alcoholic beverage to any intoxicated person or to any person under the influence of a controlled substance. (Ord. 18-15 § 2, 2018)~~

~~5.20.345 — Unlawful to permit intoxicated persons on licensed premises.~~

~~It is unlawful and constitutes an offense of strict liability for any person licensed to sell alcoholic beverages or for any of his or her agents or employees to allow intoxicated persons to enter or remain in any licensed premises. (Ord. 18-15 § 2, 2018)~~

~~5.20.350 — Supplying to minors prohibited.~~

~~It is unlawful for alcoholic beverages to be given, sold or otherwise supplied to any person under the age of twenty one years, but this shall not apply to the supplying of liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this chapter and U.C.A. Title [32B](#). (Ord. 18-15 § 2, 2018)~~

~~5.20.355 — Possession of alcoholic beverages prohibited to minors — Exception.~~

~~It is unlawful and constitutes an offense of strict liability for any person under the age of twenty one to purchase, accept or have in his or her possession an alcoholic beverage, including beer or intoxicating liquor; provided, however, that this section shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or the administering of such alcoholic beverage by a physician in accordance with the law; provided further, that the provision of this section prohibiting possession of beer shall not apply to persons under twenty one years of age who are bona fide employees in an off-premises beer retail establishment while in the discharge of their employment therein or thereabouts. (Ord. 18-15 § 2, 2018)~~

~~5.20.360 — Consumption of alcohol in public places.~~

~~A. No person shall consume, serve, or distribute alcoholic beverages in a public street, sidewalk, alley, building, park, or facility, except in conformity with the provisions of this section. Violation of this section is a strict liability offense punishable as a Class C misdemeanor.~~

~~B. No event sponsor or other person shall charge an admission fee or otherwise charge a price for alcoholic beverages served and consumed in any public place, except in conformity with the provisions of this section. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.~~

~~C. *Common Requirements for Public Events Where Alcohol Is Served.* Persons who propose to hold public events where alcohol will be served at venues owned by the City of Moab must satisfy the following general requirements, in addition to those requirements specific to particular venues. The event sponsor shall comply with applicable laws governing the consumption and distribution of alcohol, and the sponsor must:~~

- ~~1. Obtain the applicable State of Utah single event alcohol permit or temporary special event beer permit and comply with all permit terms;~~
- ~~2. Obtain and comply with a City of Moab alcohol license, if applicable;~~

- 3.—Obtain and comply with the applicable special event license pursuant to Title 4, which will be combined with the requirements under this section;
- 4.—Show proof of liability insurance for event host liquor liability and naming the City of Moab as an additional insured; and
- 5.—Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event.

~~D.—*City Events*. The City may hold public events where alcohol is served, as otherwise provided under this section. Where the City holds a public event it may contract with a separate alcohol vendor, who shall procure the alcohol event licenses under subsections (C)(1) and (2) of this section, and the liability insurance as required by subsection (C)(4) of this section. The alcohol vendor may be the event sponsor for purposes of all alcohol-related compliance under this section. If the City holds the event it has discretion to waive or modify the other requirements of subsection (C) of this section.~~

~~E.—*Public Events at Certain Parks*. The serving, consumption, and sale of alcoholic beverages at public events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under the Special Events Code or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate park, the Moab Recreation and Aquatic Center, and similar facilities.~~

~~F.—*Private Events at Certain Parks*. The serving, consumption, and sale of alcoholic beverages at private events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under the Special Events Code or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate park, the Moab Recreation and Aquatic Center, and similar facilities.~~

~~G.—*Events on Public Streets*. The serving, consumption, and sale of alcoholic beverages at public events held on a public street may be permitted by the City Council; provided, that the event sponsor obtains a special event license (Level II) pursuant to Title 4. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event.~~

~~H.—*Events at City Facilities*. The serving, consumption, and sale of alcoholic beverages at public events held at City facilities may be approved by the City Council.~~

- 1.—City staff is authorized to approve privately hosted social gatherings at the Moab Arts and Recreation Center (MARC) where alcohol may be served. Sponsors of private events at the MARC must:

~~a. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event;~~

~~b. Comply with applicable laws governing the consumption and distribution of alcohol;~~

~~c. All events at the MARC shall be concluded by eleven p.m. Serving of alcohol at private events shall be concluded no later than ten thirty p.m.~~

~~2. City staff is authorized to approve privately hosted social gatherings at the Moab Recreation and Aquatic Center (MRAC) where alcohol may be served. Sponsors of private events at the MRAC must:~~

~~a. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event;~~

~~b. Comply with applicable laws governing the consumption and distribution of alcohol;~~

~~c. All events at the MRAC shall be concluded by the normal business hours of the MRAC.~~

~~I. *Public Events at County Facilities.* The serving, consumption, and sale of alcoholic beverages to the public at facilities owned by Grand County within the City may be permitted by the City provided each of the following conditions are met:~~

~~1. The event sponsor obtains approval from Grand County;~~

~~2. The event sponsor obtains the applicable State of Utah single event permit or temporary special event beer permit and abides by all terms and conditions of the State of Utah permit;~~

~~3. The event sponsor obtains the applicable City of Moab alcohol licenses; and~~

~~4. The event sponsor obtains the applicable special event license pursuant to Title 4.~~

~~J. A “privately hosted social gathering” shall be defined as any social, recreational, or business event for which all or a portion of the MARC has been leased or licensed, in advance, and the event or function is limited in attendance to people who have been specifically designated, by invitation or otherwise, and their guests. Privately hosted social gatherings shall not in any case be defined to include any event to which the public is invited, whether by advertisement or otherwise, or events where an admission fee is charged.~~

~~K. A “public” event shall be defined to mean any gathering which is open to all persons, which is advertised as open to the general public, or which is open to all persons who purchase admission.~~

~~L. No City employee, agent, or volunteer shall consume alcoholic beverages at any gathering authorized pursuant to this section while on duty or acting in an official capacity on behalf of City. Any~~

City employee participating in the serving or distribution of alcoholic beverages must have the required certifications of the State of Utah, with a current copy filed with the City. Nothing in this subsection shall prohibit a City employee, agent, or volunteer from consuming or distributing alcoholic beverages at an event where such person is a guest or event participant.

~~1. City employees, agents, or volunteers are not deemed to be participating in the serving or distribution of alcoholic beverages where they perform other functions at an event held pursuant to subsection (D) of this section, City Events.~~

~~M. To be eligible for any license or permit pursuant to this chapter, an “event sponsor” shall be a natural person twenty one years of age or older, except in the case of events held under subsection (D) of this section.~~

~~N. No person shall allow or permit the serving of alcoholic beverages to any person under twenty one years of age. All persons involved in the serving or distribution of alcoholic beverages do so under the supervision and direction of the event sponsor, who shall be personally responsible for compliance with all applicable public facility use agreement, City Code, and State law provisions. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.~~

~~O. The applicable decision maker for any event authorized under this section shall be authorized to attach such other and additional terms and conditions upon the use and occupancy of public facilities as may be deemed necessary and appropriate, depending upon the nature of the event planned. These additional terms may include, but shall not be limited to:~~

- ~~1. Special limitations as to hours of operation;~~
- ~~2. Limits on the occupancy or total numbers of guests;~~
- ~~3. Security requirements;~~
- ~~4. Parking limitations;~~
- ~~5. Limits on the areas to be occupied by the event; and~~
- ~~6. Any conditions reasonably related to the safety of event participants, and the safety and peace of the general public.~~

~~P. Any City enforcement officer may enter the premises of any event permitted under this section at any time to determine compliance with all applicable laws and conditions. Any law enforcement officer who reasonably believes that an event is out of compliance with applicable laws and conditions shall have the authority to curtail or terminate the event. (Ord. 19-25 (part), 2019; Ord. 18-15 § 2, 2018)~~

~~5.20.370 — Alcohol at City sponsored public events.~~

~~The City may hold public events where alcohol is served. Where the City does so, it shall contract with a separate alcohol vendor, who shall procure the necessary alcohol event license and the liability insurance as required by Title 4. The alcohol vendor shall be the event sponsor for purposes of all alcohol-related compliance under this section. If the City holds the event, it has discretion to waive or modify the other requirements of Title 4. (Ord. 18-15 § 2, 2018)~~

~~5.20.380 — Nuisance prohibited.~~

~~It is unlawful and constitutes an offense of strict liability for any person to keep or maintain a nuisance as the same is defined in this chapter. (Ord. 18-15 § 2, 2018)~~

~~5.20.410 — Adulterated alcoholic beverage.~~

~~It is unlawful for any person to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him or her as a beverage any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid. (Ord. 18-15 § 2, 2018)~~

~~5.20.420 — Consumption prohibited in unlicensed premises.~~

~~It is unlawful for any person to consume liquor in an unlicensed place of business as provided herein. (Ord. 18-15 § 2, 2018)~~

~~5.20.430 — Supply to person whose license is suspended or revoked.~~

~~It is unlawful for any person to procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any persons whose license is suspended, cancelled, or revoked. (Ord. 18-15 § 2, 2018)~~

~~5.20.440 — Supply to prohibited persons.~~

~~It is unlawful, except in the case of liquor supplied upon the prescription of a physician, or administered by a physician or dentist, or health care facility in accordance with State statute, for any person to procure for, sell, or give any alcohol to an insane or interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to any such person. (Ord. 18-15 § 2, 2018)~~

1 For State Alcoholic Beverage Act, see U.C.A. Title [32B](#).

The Moab Municipal Code is current through Ordinance 20-01, passed January 14, 2020.

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: moabcity.org](http://moabcity.org)

City Telephone: (435) 259-5121

[Code Publishing Company](#)

Moab City Council Agenda Item
Meeting Date: April 14, 2020

Title: Award of the 2019/2020 Water Meter Bid to Meterworks Incorporated in an Amount not to Exceed \$120,000

Disposition: Discussion and possible action

Staff Presenter: Levi Jones, Water Superintendent

Attachment(s):

- Attachment 1: Submitted Bid
- Attachment 2: Bid Spec Sheet

Recommended Motion:

I move to award the 2019/2020 Water Meter Bid to Meterworks Incorporated in an amount not to exceed \$120,000

Background/Summary:

On March the City conducted a bid opening for the Water Meter Replacement project that included several different sized meters and meter modules. The money for this project was approved in the 2019/2020 budget and will cover the cost of the new meters. Meterworks Inc. of Centerville, UT was the only bid received by the Public Works Department.

Meterworks Inc submitted a bid according to size as we requested.

Meterworks individual meter bid totals \$8768.50

It is my recommendation that we accept the bid from Meterworks Inc. to purchase the budgeted \$120,000 meters for 2019/2020.

Meterworks Inc. \$8768.50

Neptune ARB Meters

3/31/2020 11:00 am

	Name	Amount
1	Meterworks	Various
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Present at Bid Opening:

Name:
Sommar Johnson _____

Levi Jones _____

Kerri Kirk _____

Signature:
Sommar Johnson _____
DocuSigned by:
77C1DA17F2BE482...
Levi Jones _____
DocuSigned by:
B08DCD0BCD464B0...
Kerri Kirk _____
31A749B978564C8...

MOAB CITY BID SPEC SHEET

CITY OF MOAB
 CITY RECORDER'S OFFICE
 217 EAST CENTER STREET
 MOAB, UT 84532

MOAB CITY WATER
 DEPARTMENT
 NEPTUNE ARB METERS
 AND RADIO TRANSMITTERS

***** DEADLINE FOR ALL BIDS IS THURSDAY, MARCH 19, 2020 AT 3:00 PM *****

ALL BIDS MUST BE TURNED INTO MOAB CITY OFFICES ON THIS BID SHEET.

Neptune ARB meters with pit receptacle compatible with the Advance Meter Reading System.

1	5/8" R-900i Pit Registers Only w/ built in radio w/ 6' Antenna	\$ 218.40	Per Unit
1	5/8" X 3/4" T-10 Neptune Meter w/ R900i Pit Register w/ 6' Antenna	\$ 262.60	Per Meter
1	1 R-900i Pit Registers Only w/ built in radio w/ 6' Antenna	\$ 218.40	Per Unit
1	1 1/2" T-10 Neptune Meter w/R900i Pit Register w/ 6' Antenna	\$ 655.20	Per Meter

1	1 1/2" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$ 218.40	Per Unit
1	2" T-10 Neptune Meter w/R900i Pit Register w/ 6' Antenna	\$ 790.40	Per Meter
1	2" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$ 218.40	Per Unit
1	3" UME Compound w/R900i Registers w/ 20' Antenna	\$ 2,532.40	Per Meter

1	3" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$ 224.90	Per Unit
1	4" UME Compound w/R900i Registers w/ 20' Antenna	\$ 3,204.50	Per Meter
1	4" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$ 224.90	Per Unit

COLD WATER METERS / DISPLACEMENT TYPE MAGNETIC DRIVE 5/8"-2"

SPECIFICATIONS

GENERAL

All cold water meters (displacement type - magnetic drive 5/8" - 2") furnished shall be produced from an ISO 9001 manufacturing facility and conform to the "Standard Specifications for Cold Water Meters" C700 latest revision issued by AWWA or as otherwise stated.

LEAD FREE LEGISLATION

Federal changes are on the horizon governing the acceptable amount of lead in the drinking water system. Knowing that water meters have a life expectancy of approximately 20 years, the Utility wishes to ensure that meters purchased today will meet the Safe Drinking Water Act (SDWA) per NSF 372 that will become effective in January 2014 for the following reasons:

- The Utility wishes to assure the safety of its drinking water.
- The Utility wishes to safeguard its investment in metering infrastructure.
 - As of January 4, 2014 meter inventory that does not meet the SDWA (NSF 372) lead free requirements will have to be returned to the manufacturer or scrapped at a cost that the Utility is not willing to incur.
 - After January 4, 2014, any meters not in compliance with these requirements that are physically removed from service for testing or repair, cannot be re-installed and will have to be scrapped at a cost that the Utility is not willing to incur.

As a result, the Utility requires that all water meters submitted in this proposal be compliant with NSF/ANSI 61, Annex G and Annex F. Specifically:

- Meters shall be made of "lead free" alloy as defined by NSF/ANSI 61, Annex G and Annex F.

CITY OF MOAB
INVITATION TO BID
Neptune ARB Meters

The City of Moab is now accepting sealed bids for Neptune ARB Meters for the Water Department. Bid specs are available online at: www.moabcity.org or may be picked up at the Recorder's Office at the Moab City Offices, 217 East Center Street, Moab, Utah 84532.

All sealed bids must be turned in to the City of Moab Recorder's Office by 3:00 p.m. on Thursday, March 19, 2020 at 217 East Center Street, Moab, Utah 84532. Bids must be turned in on City of Moab's spec sheet. The City of Moab reserves the right to reject any and all bids; or waive any informality or technicality in any bid. For further information, please contact the Recorder's Office at (435) 259-5121 or visit our website at www.moabcity.org.

/s/ Sommar Johnson
City Recorder

Published in the Times Independent, March 5 and March 12, 2020.

MOAB CITY BID SPEC SHEET

CITY OF MOAB
 CITY RECORDER'S OFFICE
 217 EAST CENTER STREET
 MOAB, UT 84532

MOAB CITY WATER
 DEPARTMENT
 NEPTUNE ARB METERS
 AND RADIO TRANSMITTERS

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1	5/8" X 3/4" T-10 Neptune Meter w/ R900i Pit Register w/ 6' Antenna	\$	Per Meter
1	1 R-900i Pit Registers Only w/ built in radio w/ 6' Antenna	\$	Per Unit
1	1 1/2" T-10 Neptune Meter w/R900i Pit Register w/ 6' Antenna	\$	Per Meter

1	1 1/2" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$	Per Unit
1	2" T-10 Neptune Meter w/R900i Pit Register w/ 6' Antenna	\$	Per Meter
1	2" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$	Per Unit
1	3" UME Compound w/R900i Registers w/ 20' Antenna	\$	Per Meter

1	3" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$	Per Unit
1	4" UME Compound w/R900i Registers w/ 20' Antenna	\$	Per Meter
1	4" R900i Pit Registers only w/ Built in radio w/6' Antenna	\$	Per Unit

COLD WATER METERS / DISPLACEMENT TYPE MAGNETIC DRIVE 5/8"-2"

SPECIFICATIONS

GENERAL

All cold water meters (displacement type - magnetic drive 5/8" - 2") furnished shall be produced from an ISO 9001 manufacturing facility and conform to the "Standard Specifications for Cold Water Meters" C700 latest revision issued by AWWA or as otherwise stated.

LEAD FREE LEGISLATION

Federal changes are on the horizon governing the acceptable amount of lead in the drinking water system. Knowing that water meters have a life expectancy of approximately 20 years, the Utility wishes to ensure that meters purchased today will meet the Safe Drinking Water Act (SDWA) per NSF 372 that will become effective in January 2014 for the following reasons:

- The Utility wishes to assure the safety of its drinking water.
- The Utility wishes to safeguard its investment in metering infrastructure.
 - As of January 4, 2014 meter inventory that does not meet the SDWA (NSF 372) lead free requirements will have to be returned to the manufacturer or scrapped at a cost that the Utility is not willing to incur.
 - After January 4, 2014, any meters not in compliance with these requirements that are physically removed from service for testing or repair, cannot be re-installed and will have to be scrapped at a cost that the Utility is not willing to incur.

As a result, the Utility requires that all water meters submitted in this proposal be compliant with NSF/ANSI 61, Annex G and Annex F. Specifically:

- Meters shall be made of "lead free" alloy as defined by NSF/ANSI 61, Annex G and Annex F.

- Manufacturers shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex G which allows a maximum weighted average lead content level of 0.25% of the wetted surface area.
- Manufacturer shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex F which requires leaching of less than 5 µg/L in tests performed per the NSF/ANSI 61 test methodology for water with pH of 5 and pH of 10.
- Manufacturer will provide documentation that its US-based foundry uses only lead free materials in the manufacture of its water meters. This documentation shall be signed by an authorized officer of the company.

TYPE

Only magnetic-driven, positive displacement meters of the flat nutating disc type will be accepted because of enhanced low flow accuracy performance.

SIZE, CAPACITY, LENGTH

The size, capacity, and meter lengths shall be as specified in AWWA Standard C700 (latest revision). The maximum number of disc nutations is not to exceed those specified in AWWA C700 latest revision.

The meter maincase and cover shall be cast from NSF/ANSI 61, Annex G and Annex F certified lead free alloy containing a minimum of 85% copper. The serial number should be stamped between the inlet or outlet port of the maincase and the register. Maincase markings shall be cast raised and shall indicate size, model, direction of flow, and NSF 61 certification. Plastic maincases are not acceptable.

Maincases for 5/8" and 3/4" meters shall be of the removable bottom cap type with the bottom cap secured by four (4) bolts on 5/8" and 3/4" sizes. Intermediate meter maincases shall also be made of the same lead free brass material in size 2" with a cover secured to the maincase with eight (8) bolts. Meters with a frost plug, a screw-on design or no bottom cap shall not be accepted in 5/8" size. The 5/8" meters shall have a synthetic polymer or cast iron bottom cap option.

All lead free maincases shall be guaranteed free from manufacturing defects in workmanship and materials for the life of the meter.

All meters must be adaptable to a field programmable absolute encoder register without interruption of the customer's service.

BOLTS

All maincase bolts shall be of 300 series non-magnetic stainless steel to prevent corrosion.

DIRECT READ STANDARD REGISTER

The register shall be of the straight reading sealed magnetic drive type and shall contain six (6) numeral wheels. Registers must be roll sealed and dry. All direct reading register

cups shall be copper to prevent corrosion and be covered with a high strength, impact resistant flat glass lens to prevent breakage. The lens shall be positioned above the register box to allow for run off of debris. The register lid shall overlap the register box to protect the lens. The register retaining ring shall be designed to absorb impact from the register. Register boxes and lids shall be of high-strength synthetic polymer or approved equivalent. All registers shall have the size, model and date of manufacture stamped on the dial face. The dial shall have a red center sweep hand and shall contain one hundred (100) equally divided graduations at its periphery.

The register must contain a low flow indicator with a 1:1 ratio to disc nutation to provide leak detection.

Registers shall be secured to the maincase by means of a plastic tamper-proof seal to allow for inline service replacement. Register seal screws are only accepted when supplied with attached sealing wire to at least one bottom cap bolt with seal wire holes of not less than 3/32" in diameter.

Registers shall be guaranteed for at least ten (10) years. All meters will be guaranteed for one year on material and workmanship.

MEASURING CHAMBER

The measuring chamber shall be of a two-piece snap-joint type with no fasteners allowed. The chamber shall be made of a non-hydrolyzing synthetic polymer.

The control block shall be the same material as the measuring chamber and be located on the top of the chamber. The control block shall be located after the strainer.

The measuring chamber outlet port shall be sealed to the maincase outlet port by means of an "O" ring gasket.

The flat nutating disc shall be a single piece made from non-hydrolyzing synthetic polymer and shall contain a type 316 stainless steel spindle. The nutating disc shall be equipped with a synthetic polymer thrust roller located within the disc slot. The thrust roller head shall roll on the buttressed track provided by the diaphragm.

The chamber shall be warranted for ten (10) years against freeze damage if the meter has been equipped with a frost proof cast iron or synthetic polymer bottom cap.

STRAINERS

All meters shall contain a removable polypropylene plastic strainer screen. The strainer shall be located near the maincase inlet port, before the measuring chamber. The strainer shall also function as a device that holds the measuring chamber in place within the maincase. Straps or other types of fasteners shall not be accepted.

PERFORMANCE

To ensure accuracy, each meter must be accompanied by a factory test tag certifying the accuracy at the flows required by AWWA C700.

All meters shall be warranted as follows:

Size	Low Flow	Low Flow New Meter Accuracy	Low Flow Repaired Meter Accuracy
5/8"	1/8 gpm @ 95%	5 Yrs or 500,000 gallons	15 Yrs or 1,500,000 gallons
3/4"	1/4 gpm @ 95%	5 Yrs or 750,000 gallons	15 Yrs 2,250,000 gallons
1"	3/8 gpm @ 95%	5 Yrs or 1,000,000 gallons	15 Yrs or 3,000,000 gallons
1-1/2"	3/4 gpm @ 95%	2 Yrs or 1,600,000 gallons	12 Yrs or 5,000,000 gallons
2"	1 gpm @ 95%	2 Yrs or 2,700,000 gallons	12 Yrs or 8,000,000 gallons

Normal meter operating range shall be as follows:

Size	Accuracy Range ± 1.5%
5/8"	1/2 - 20 gpm
3/4"	3/4 - 30 gpm
1"	1 - 50 gpm
1-1/2"	2 - 100 gpm
2"	2-1/2 - 160 gpm

MANUFACTURER

Meters and meter parts shall be manufactured, assembled, and tested within the United States. Manufacturers may be required to provide proof of where and of what percentage of the meter register, chamber, and maincase is manufactured in the United States.

Manufacturers shall have a minimum of fifteen (15) years of field and production experience with all sizes and models quoted.

Manufacturers shall provide only one model of meter which complies with these specifications. Suppliers must have been manufacturing meters for at least one hundred (100) years.

SYSTEMS GUARANTEE

All meters shall be guaranteed upgradeable to the following Neptune systems without interruption of the customer's service.

- ProRead™ (ARB® VI) AutoDetect Absolute Encoder**
- E-Coder® (ARB VII) Solid State Absolute Encoder**
- R900®**
- FLOSEARCH® II**
- TRICON/E® 3**
- TRICON®**

REMOTE CAPABILITY OPTIONS

All meters shall be equipped with encoder remote registers per AWWA C707 and meet all AWWA C700 performance standards.

Acceptable meters shall be Neptune T-10 or approved equal.

COLD WATER METERS/COMPOUND TYPE SPECIFICATIONS

SPECIFICATIONS

GENERAL

All meters furnished shall be manufactured by a registered ISO 9001 quality standard facility. Acceptable meters shall have a minimum of fifteen (15) years of successful field use. All specifications meet or exceed the latest revision of AWWA C702.

LEAD FREE LEGISLATION

Federal changes are on the horizon governing the acceptable amount of lead in the drinking water system. Knowing that water meters have a life expectancy of approximately 20 years, the Utility wishes to ensure that meters purchased today will meet the Safe Drinking Water Act (SDWA) per NSF 372 that will become effective in January 2014 for the following reasons:

- The Utility wishes to assure the safety of its drinking water.
- The Utility wishes to safeguard its investment in metering infrastructure.
 - As of January 4, 2014 meter inventory that does not meet the SDWA (NSF 372) lead free requirements will have to be returned to the manufacturer or scrapped at a cost that the Utility is not willing to incur.
 - After January 4, 2014, any meters not in compliance with these requirements that are physically removed from service for testing or repair, cannot be re-installed and will have to be scrapped at a cost that the Utility is not willing to incur.

As a result, the Utility requires that all water meters submitted in this proposal be compliant with NSF/ANSI 61, Annex G and Annex F. Specifically:

- Meters shall be made of “lead free” alloy as defined by NSF/ANSI 61, Annex G and Annex F.
- Manufacturers shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex G which allows a maximum weighted average lead content level of 0.25% of the wetted surface area.
- Manufacturer shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex F which requires leaching of less than 5 µg/L in tests performed per the NSF/ANSI 61 test methodology for water with a pH of 5 and pH of 10.
- Manufacturer will provide documentation that its US-based foundry uses only lead free materials in the manufacture of its water meters. This documentation shall be signed by an authorized officer of the company.

TYPE

Compound meters shall consist of a combination of an AWWA Class II turbine meter for measuring high rates of flow and a nutating disc type positive displacement meter for measuring low rates of flow enclosed in a single maincase. An automatic valve shall direct flows through the disc meter at low flow rates and through the turbine meter at high flow rates. At high flow rates, the automatic valve shall also serve to restrict the flow through the disc meter to minimize wear.

OPERATING CHARACTERISTICS

The meters shall comply with the operating characteristics shown below:

Size	Normal Operating Range (gpm)	Maximum Continuous Flow (gpm)	Maximum Loss of Head at Max Cont Flow (psi)	Maximum Intermittent Flow (gpm)	Low Flow (gpm)
2"	1/2 - 200	160	8	200	1/8
3"	1/2 - 450	350	8	450	1/8
4"	1 - 1000	700	8	1000	1/2
6"	1 1/2 - 2000	1400	8.5	2000	3/4
6" x 8"	1 1/2 - 2000	2000	10.5	2000	3/4

SIZE

The size of meters shall be determined by the nominal size (in inches) of the opening in the inlet and outlet flanges. Overall lengths of the meters shall be as follows:

Meter Size	Laying Length
2"	15 1/4"
3"	17"
4"	20"
6"	24"
6" x 8"	55 3/8"

CASE AND COVER

The maincase and cover shall be cast from an NSF/ANSI 61, Annex G and Annex F certified lead free high copper alloy containing a minimum of 85% copper. The size, model, NSF certification and arrows indicating direction of flow shall be cast in raised characters on the maincase or cover. The covers all contain a stainless steel calibration vane for the purpose of calibrating the turbine measuring element while the meter is inline and under pressure. A test plug shall be located in the maincase or the cover for the purpose of field testing of the meter.

EXTERNAL BOLTS

Casing bolts shall be made of AISI Type 316 stainless steel.

CONNECTIONS

Maincases shall be flanged. The 2" meters shall be oval flanged and 3" size shall be round flanged per Table 4, AWWA C702.

REGISTERS

Separate magnetic-drive registers shall record the flow of the turbine and disc meters and their total will be the registration of the compound meter. The registers shall be permanently roll-sealed, straight reading indicating in cubic feet, gallons, or cubic meters. Registers shall include a center-sweep test hand, a low flow indicator, and a glass lens. The registers shall be serviceable without interruption of the meter's operation. Registers shall be guaranteed for at least ten (10) years.

COLD WATER METERS/1-1/2" - 10" CLASS II TURBINE TYPE

SPECIFICATIONS

GENERAL

All meters furnished shall be manufactured by a registered ISO 9001 quality standard facility. Acceptable meters shall have a minimum of fifteen (15) years of successful field use. All specifications meet or exceed the latest revision of AWWA C701.

LEAD FREE LEGISLATION

Federal changes are on the horizon governing the acceptable amount of lead in the drinking water system. Knowing that water meters have a life expectancy of approximately 20 years, the Utility wishes to ensure that meters purchased today will meet the Safe Drinking Water Act (SDWA) per NSF 372 that will become effective in January 2014 for the following reasons:

- The Utility wishes to assure the safety of its drinking water.
- The Utility wishes to safeguard its investment in metering infrastructure.
 - As of January 4, 2014 meter inventory that does not meet the SDWA (NSF 372) lead free requirements will have to be returned to the manufacturer or scrapped at a cost that the Utility is not willing to incur.
 - After January 4, 2014, any meters not in compliance with these requirements that are physically removed from service for testing or repair, cannot be re-installed and will have to be scrapped at a cost that the Utility is not willing to incur.

As a result, the Utility requires that all water meters submitted in this proposal be compliant with NSF/ANSI 61 Annex G and Annex F. Specifically:

- Meters shall be made of "lead free" alloy as defined by NSF/ANSI 61, Annex G and Annex F.
- Manufacturers shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex G which allows a maximum weighted average lead content level of 0.25% of the wetted surface area.
- Manufacturer shall provide a copy of a letter from the NSF on NSF letterhead documenting compliance with NSF/ANSI 61, Annex F which requires leaching of less than 5 µg/L in tests performed per the NSF/ANSI 61 test methodology for water with a pH of 5 and pH of 10.
- Manufacturer will provide documentation that its US-based foundry uses only lead free materials in the manufacture of its water meters. This documentation shall be signed by an authorized officer of the company.

TYPE

Meters shall be of the inline horizontal-axis type per AWWA Class II.

CAPACITY

The capacity of the meters in terms of normal operating range, maximum continuous flow, maximum loss of head, and maximum intermittent flow shall be as shown below:

Size	Normal Operating Range (gpm)	Maximum Continuous Flow (gpm)	Maximum Loss of Head at Max Cont Flow (psi)	Maximum Intermittent Flow (gpm)
1 1/2"	4 - 160	160	4	200
2"	4 - 200	200	4.5	250
3"	5 - 450	450	5	560
4"	10 - 1200	1200	5.5	1500
6"	20 - 2500	2500	5	3100
8"	35 - 4000	4000	5	5000
10"	50 - 6500	6500	3.5	8000

SIZE

The size of the meters shall be determined by the nominal size (in inches) of the opening in the inlet and outlet flanges. Overall lengths of the meters shall be as follows:

Meter Size	Laying Length	Meter/Strainer Combined Length
1 1/2"	10" (13" w/test spool)	—
2"	10"	17"
3"	12"	18"
4"	14"	21 1/2"
6"	18"	27"
8"	20"	30"
10"	26"	41"

CASE AND COVER

The maincase and cover shall be cast from NSF/ANSI 61, Annex G and Annex F certified lead free alloy containing a minimum of 85% copper. The size, model, NSF 61 certification and arrows indicating direction of flow shall be cast in raised characters on the maincase or cover. The cover shall contain a calibration vane for the purpose of calibrating the turbine measuring element while the meter is in-line and under pressure. The calibration vane shall be mounted under the register or shall be covered by a protective cap that is attached in a tamper-resistant device.

EXTERNAL BOLTS

Casing bolts shall be made of AISI Type 316 stainless steel.

CONNECTIONS

Maincases shall be flanged. 2" sizes shall be oval flanged and 3" sizes shall be round flanged per Table 3, AWWA C701.

REGISTERS

Registers shall be permanently rolled-sealed, straight reading, indicating in cubic feet, gallons, or cubic meters. Registers shall include a center-sweep test hand, a low flow indicator and a glass lens. Registers shall be serviceable without interruption of the meter's operation. Registers shall be guaranteed for at least ten (10) years.

REGISTER BOX

Register boxes and covers shall be of bronze composition. The name of the manufacturer and the meter serial number shall be clearly identifiable and located on the register box cover.

REGISTER BOX SEALING

The register box shall be affixed to the top cover by means of a plastic tamper proof seal pin that must be destroyed in order to remove the register.

METER SERIAL NUMBER

The meter serial number shall be imprinted on the meter maincase or cover as well as the register box cover.

MEASURING CHAMBER

The turbine measuring chamber shall be a self-contained unit attached to the cover for easy removal. The turbine spindles shall be stainless steel; turbine shafts shall be tungsten carbide.

UNITIZED MEASURING ELEMENT

A UME is a complete assembly, factory calibrated to AWWA standards that includes the cover, registers, and both a turbine measuring element assembly. It shall be easily field removable from the meter body without the requirement of unbolting flanges.

INTERMEDIATE GEAR TRAIN

The intermediate gear train shall be directly coupled to the turbine rotor and magnetically coupled to the register through the meter cover. All moving parts of the gear train shall be made of a self-lubricating polymer or stainless steel for operation in water.

REGISTRATION ACCURACY

Registration accuracy over the normal operating range shall be 98.5% to 101.5%.

REMOTE CAPABILITY OPTIONS

All meters shall be equipped with encoder remote registers per AWWA C707 and meet all AWWA C701 performance standards.

Acceptable meters shall be Neptune HP Turbine or approved equal.

SOLID STATE ABSOLUTE ENCODER SPECIFICATIONS

SPECIFICATIONS

It is the preference of the utility to obtain an advanced encoder-based remote metering system capable of providing electronically encoded meter information as described in the enclosed specification. Specifications for the required cold water meters can be found in the enclosed documentation. Bids should be submitted with detailed information of the features and benefits to the utility to adequately evaluate the

proposed system. Proposals without adequate information may not be considered.

DESCRIPTION – GENERAL

Integrated Unit – Pit Set

- The MIU shall be sealed in a roll-sealed copper can and glass lens to allow for submersion in a flooded pit environment.
- For pit or vault applications, the MIU shall be designed with an internal antenna.
- The device shall provide a location for a tamper-deterrent seal. Tampering with the device functions or connections shall not be possible without causing visible damage to the device exterior or to the seal.
- The device shall be capable of operating at temperatures of -22°F to +149°F (-30°C to +65°C) and operating humidity factor of 0 to 100% condensing.
- The radio circuit board and battery will be protected by a hard potting material.
- The device shall be designed for an optional remote antenna capable of being installed through the industry standard 1¾” hole in the pit lid for maximum transmission range.
- The optional through-the-lid antenna will be capable of mounting to various thicknesses of pit lids from ½” to 2½” and various distances from meters.
- The optional through-the-pit-lid antenna shall be rigid in design to withstand traffic and shall have a dual-seal connection to the MIU housing.
- The MIU device must be protected against static discharge without loss of data per IEC 801-2, issue 2.

Operation Specifications

- The MIU shall operate within FCC Part 15.247 regulations for devices operating in the 902 MHz to 928 MHz unlicensed band. The output power of the devices will be governed by their conformance to these relevant FCC standards.
- To minimize the potential for RF interference from other devices, the MIU shall transmit using the frequency hopping, spread spectrum technique comprised of alternating pseudo-random frequencies within the 902 MHz to 928 MHz unlicensed band.
- For ease of implementation, the System shall not require any special licensing, including licenses from the FCC. The System must, therefore, operate in the 902 MHz to 928 MHz unlicensed band.
- The System must be expandable at any time without getting authorization from the FCC.
- No wake-up tone shall be necessary.
- No MIU programming shall be necessary for installation.
- The MIU shall provide 8-digit reading resolution from encoded registers using either Neptune E-Coder or Sensus UI-1203 protocol in mobile as well as fixed

network data collection applications, simultaneously, without the need for programming.

- The MIU shall read the encoded register at 15-minute intervals to provide accurate leak and reverse flow detection using 8-digit resolution reads.
- The MIU shall transmit readings from the encoder that are not older than 15 minutes.
- The MIU shall transmit the meter reading continuously at a predetermined transmission interval.
- The MIU shall transmit fixed network messages every 7½ minutes – standard. No programming shall be necessary to activate transmission of fixed network messages.
- The fixed network message shall include multiple meter readings for redundancy to improve read success rates.
- The MIU shall transmit mobile messages every 14 seconds – standard. No programming shall be necessary to activate or revert to transmission of mobile messages.
- Power shall be supplied to the MIU by a lithium battery with a capacitor. The vendor shall warrant that the MIUs shall be free of manufacture and design defects for a period of twenty (20) years – the first ten (10) years from the date of shipment from factory without prorating and the second ten (10) years with prorating, as long as the MIU is working under the environmental and meter reading conditions specified.
- The number of radio-based meter reads performed must not affect the battery life.
- The battery life shall not be affected by outside erroneous wake-up tones (e.g., other water, gas, or electric utilities reading and therefore sending out a wake-up tone).
- The battery shall be a fully potted component of the MIU with no external wires.
- For reliability and meter reading integrity, the vendor shall be the sole manufacturer of the different components of the System (water meters, RF MIUs, meter reading equipment, and meter reading software) and provide a turnkey system offering to the utility.
- In the event of a cut wire, the MIU shall not send the last good read as this can lead to mis-billing. The MIU shall transmit a trouble code in lieu of the meter reading.
- Tamper – If wiring has been disconnected, a “non-reading” shall be provided indicating wire tamper; a reading that gives the last available reading is an incorrect reading.
- Each device shall have unique preprogrammed identification numbers of ten (10) characters. ID numbers will be permanent and shall not be altered. Each device shall be labeled with the ID number in numeric and barcode form. The label shall

also display FCC approval information, manufacturer's designation, and date of manufacture.

- The MIU shall transmit the encoder meter reading and a unique MIU ID number. The MIU shall interface to encoder registers using Neptune E-Coder or Sensus UI-1203 communication protocol via a 3-conductor wire without need for special configuration to the MIU.
- The MIU shall be mounted per the manufacturer's installation instructions.
- The handheld reading equipment shall provide a test mode to verify proper operation of the MIU by displaying the MIU ID number and meter reading.
- The MIU shall be capable of being received by either a handheld receiver, mobile receiver, or fixed network receiver without special configuration, programming of operation modes, or remanufacture.

These specifications cover a self-contained solid state absolute encoder register metering system designed to obtain remote simultaneous water meter registration that is guaranteed to exactly match the registration on the register odometer. The metering information shall be obtained through a remotely located receptacle or Meter Interface Unit (MIU) using a compatible data capture system. The above system shall be configured as follows:

- Solid-state absolute encoder meter register — Direct mounting, electromagnetically encoded measuring element into an electronic solid-state odometer. Encoder shall provide value-added flow data including leak, tamper and back flow detection when connected to a compatible RF AMR MIU. Batteries and digital counters using volatile memory are not allowed. Encoder register shall display flow rate information at the register.
- Remotely mounted receptacle or MIU providing a communication link for the transmission of information from the register.
- Data acquisition equipment with which the above components can be interrogated. Such equipment shall be configured in two types:
 - A device that captures information and displays it visually to confirm correct system installation and wiring.
 - A device that is pre-programmed with route information and is capable of storing collected data in solid-state memory. This device shall also electronically transfer the data for use by the utility billing computer.

ENCODER REGISTER UNIT

Registration

- The register shall provide at least a nine-digit visual registration at the meter.
- The unit shall provide an eight-digit meter reading for transmission through the radio MIU.
- The dial shall have a high resolution nine-digit LCD display for meter testing.
- The register shall employ a visual LCD leak detection indicator as well as provide remote leak detection through an ASCII format to the RF AMR/AMI MIU.
- The register shall provide reverse flow detection, communicated as ASCII format data to the RF AMR/AMI MIU.

- Reverse flow detection shall be calculated based on 15-minute interval consumption.
- The register shall provide an indication of days of zero consumption, communicated as ASCII format data to the RF AMR/AMI MIU.
- The manufacturer will guarantee that the reading obtained electronically matches the LCD odometer reading on the register and that the manufacturer will pay the difference at the current rate whenever a discrepancy appears.
- The register should accumulate and register consumption without connecting to a receptacle or MIU.
- The register shall display flow rate information.

Mechanical Construction

The registers should be manufactured in two different versions; one for inside set application and one for pit set.

Inside Set Version

- The unit must be constructed of high-strength polycarbonate and possess a hermetic sonic weld seal. Registers for inside set applications should be oil-free designs.
- The register shall be attached to the meter case by a bayonet attachment. Fastening screws or nuts shall not be required. A tamper proof seal pin shall be used to secure the register to the maincase.
- The register shall be removable from the meter without disassembling the meter body and shall permit field installation and/or removal without taking the meter out of service.
- Provision shall be made in the register for the use of seal wires to further secure the register.
- Terminal screws must be accessible on the register for transmission wire connection to the remote receptacle or a future AMR system. A permanently potted wire connection shall be available for pit set meters applications.

Pit Set Version

- The unit must be constructed in a roll-sealed copper shell and glass lens assembly.
- The register shall be attached to the meter case by a bayonet attachment. Fastening screws or nuts shall not be required. A tamper proof seal pin shall be used to secure the register to the maincase.
- The register shall be removable from the meter without disassembling the meter body and shall permit field installation and/or removal without taking the meter out of service.
- Provision shall be made in the register for the use of seal wires to further secure the register.
- Terminal connections must be permanently potted so that the terminal cover cannot be removed.

Electrical Construction

- The solid-state absolute encoder register shall incorporate an Application Specific Integrated Circuit (ASIC) and firmware designed to verify accurate measurement, information transmission, and data integrity.
- Connection shall be made to the register by three screw-type terminals sonically inserted into the register top. Access to the terminals shall be available to all models of register with the exception of a permanently potted version. A port cover shall be provided to cover the terminals after they have been wired.

Meter Reading Information

- The solid-state absolute encoder register shall provide to the reading equipment an eight-digit meter reading. An identification number of up to 10 digits shall be provided with each reading when read using a probed reading device.
- The solid-state absolute encoder register shall provide additional value-added information remotely when connected to a radio MIU (i.e. detailed leak detection data, days of leak state, days of no consumption, and back flow indication). This information shall be communicated through the encoder protocol and RF MIU to the route management software to allow the seamless integration of data into a CIS package.

REMOTE RECEPTACLE

Mechanical Construction

- Where indicated, a remote receptacle must be provided for attachment to a pit meter lid with another unit also designed for attachment by wall mounting.
- The materials employed shall be corrosion resistant, resistant to ultraviolet degradation, unaffected by rain or condensation, and compatible with rugged service and long life.
- The pit receptacle shall be mounted in a single 1 $\frac{3}{4}$ " hole in the pit lid while not extending more than 4 $\frac{1}{2}$ " into the pit.
- The pit-mounted receptacle shall be provided with a minimum length of six feet of wire connected and sealed at the receptacle without terminal exposure.

The remote receptacle shall not contain a battery unless it is a radio MIU.

Moab City Council Agenda Item

Meeting Date: April 14, 2020

Title: City Council Resolution 19-2020 - a Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision.

Disposition: Discussion and possible action

Staff Presenter: Nora Shepard, Planning Director

Attachment(s):

- Exhibit 1: Proposed Resolution
- Exhibit 2: Petition to Amend the Subdivision
- Exhibit 3: Information provided by the applicant on project history
- Exhibit 4: Meeting minutes from previous Planning Commission and City Council discussions on the subdivision
- Exhibit 5: 1998 Pear Tree Estates Plat showing ROW dedication

Project Information:

Address: 1040 Pear Tree Lane

Owner: Darcey Brown/Kentlelfenbein

Subdivision to be amended: Pear Tree Estates

Recommended Motion:

I move to approve City Council Resolution 19-2020 - "a Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision."

Disposition: Discussion and possible action

Background:

Pear Tree Estates, a 2-lot subdivision has a history with the City. The attached information from the applicant (Exhibit 3) explains some of the history of the subdivision. The Planning Department has conducted research and summarizes the history as follows:

- In 1998, a metes and bounds subdivision was recorded with the County creating a 2-lot subdivision. This subdivision was not considered a legal subdivision by the City, since it did not receive City approval prior to recordation
- Later in 1998, the City accepted a dedication of ROW for Pear Tree Lane along the frontage of the Pear Tree Estates (see Exhibit 5)
- In 2003, the owner tried to get financing for construction and the financial institution had concerns about the subdivision
- In 2003, the Planning Commission and City Council considered the Pear Tree Estates Subdivision, a 2-lot subdivision, thereby legalizing the subdivision. The project at that time was referred to as the Borders Subdivision.

- On January 23, 2003, the Planning Commission discussed the item and made the following motion:
Action:
“On a motion by Rodney Taylor with a second from Kara Dorhrewend, the Planning Commission voted unanimously to re commend approval of the Borders Subdivision and to recommend that required improvements for said subdivision be waived by the City Council.”
- On January 28, 2003, the City Council approved the subdivision as follows:
“Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter and other required improvements are in place. Councilmember Sweeten seconded the motion, the motion carried 5-0 aye.”
- The plat was recorded and contains the required note pertaining to Lot 2.
- Since that time, there have been numerous discussions between the City and the Property Owner about the plat note. One option explored was to allow the owner to require the property owner to contribute the cost of improvements to the City that could be used at such time as Pear Tree Lane is paved and widened.
- The property has been listed for sale and several potential purchasers backed away based on the plat note and the potential cost of the improvements
- In late 2019 and 2020, the City Staff (Planning and Engineering) have met with a representative of the property owner on a number of occasions to try to come up with a solution to move forward with the Subdivision.
- The property owners filed a petition in early March 2020 to amend the subdivision plat to remove the note on Parcel 2.

Summary of Request:

The property owners are requesting approval of an amended subdivision plat for Pear Tree Estates Subdivision removing the note on Lot 2 that restricts development until such time that curb, gutter and other required improvements are in place. There are no other changes proposed to the plat at this time. This is considered a minor amendment requiring City Council approval. No public Hearing is required.

CITY OF MOAB RESOLUTION NO. 19-2020

A Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision.

The following describes the intent and purpose of this resolution:

- a. Darcey Brown/Kentlefenbein is a property owner at 1040 Pear Tree Lane
- b. 1040 Pear Tree Lane is Lot 2 in the Pear Tree Estates Subdivision
- c. In 1998, the property owner submitted, and the County recorded, a metes and bounds subdivision
- d. The metes and bounds subdivision was not recognized by the City as a legally created subdivision because the City did not approve the subdivision
- e. In 1998, a portion of the property was dedicated to Moab City for future ROW for Pear Tree Lane
- f. In 2003, the property owners requested that the City review and approve the Pear Tree Estates Subdivision Plat, thereby making the subdivision legal
- g. On January 23, 2003 the Planning Commission reviewed and forwarded a positive recommendation to the City Council, with the request that the City Council waive the requirements for Pear Tree Lane Improvements
- h. On January 28, 2003, the City Council reviewed and approved the 2-lot subdivision, as follows:
“Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter and other required improvements are in place. Councilmember Sweeten seconded the motion, the motion carried 5-0 aye.”
- i. The property owners have had difficulty selling lot 2 due to the plat note as required in (h) above
- j. Applicant submitted to the City of Moab the appropriate petition and documents for review and approve an amended subdivision plat for Pear Tree Estates removing the plat note associated with Lot 2. The petition is in accordance required in MMC Chapter 16.08.020; and
- k. Following the consideration of the technical aspects of the pertinent code sections, the Moab City Council, pursuant to Resolution #19-2020, hereby finds that the amended subdivision can be approved removing the plat note.

NOW, THEREFORE, BE IT RESOLVED BY THE MOAB CITY COUNCIL, the petition for an amended subdivision plat for Pear Tree Estates is hereby APPROVED with the following conditions:

1. Prior to recordation of the amended plat, the amended plat will be reviewed and approved by the City staff as to form and content.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on December 10, 2019.

SIGNED: _____
Emily Niehaus, Mayor

ATTEST: _____
Sommar Johnson, Recorder



Fee - \$100.00 plus \$25.00 per amended lot or unit.

Receipt No. _____

**PETITION TO VACATE, ALTER OR AMEND
A SUBDIVISION PLAT
Utah State Code 10-9a-608(2)(a)**

Application # 20-0008

Applicant: Darcey Brown/Kent Helfenbein Phone: 435-259-6118

Mailing Address: 2931 E. Bench Rd. Moab E-mail: darceybbrown@gmail.com

Size of Properties: 2.3 acres

Location of Affected Properties: 1040 Pear Tree Moab

A short narrative describing the reason for the amendment is required and is part of a complete application. Failure to submit a narrative will delay review of the application.

This section of the Utah Code allows for the vacation, alteration or amendment to a subdivision plat without a public hearing if the petition seeks to:

- i. Join two or more of the petitioner fee owner's contiguous lots;
- ii. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- iii. Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels joins in the petition, regardless of whether the lots or parcels are located in the same subdivision;
- iv. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within that subdivision that are not:
 - (A) Owned by the petitioner; or
 - (B) Designated as a common area; and
- vi. The vacation, alteration or amendment is approved by the Moab City Council; and,
- vii. An amended plat showing the vacation, alteration, or amendment is submitted, signed by the City Council and recorded in the office of the county recorder in which the land is located; and
- viii. The document having satisfied all of the above conditions is to be recorded at the Grand County Recorders Office, 125 East Center, Moab, Utah, within thirty (30) days of approval by the Moab City Council.

DATE OF CITY COUNCIL APPROVAL: _____

MAYOR

Emily S. Niehaus

Date

ATTEST:

CITY RECORDER

Sommer Johnson

Date

Request to Moab City Council to waive requirements for improvements (curb, gutter, sidewalk and road surface) before developing Lot 2 Pear Tree Estates, 1040 Pear Tree Lane.

[Another alternative – have neighbors join the petition and make the request for all of Pear Tree Lane.]

While attempting to sell the lot at 1040 Pear Tree Lane, we have encountered problems based on a requirement by the City of Moab several years ago that restricted residential development of the parcel until improvements of curb, gutter, sidewalk and road surface have been placed. With bids reaching approximately \$90,000.00 for these improvements, this requirement is unduly burdensome, is unnecessary and imposes a different standard on this lot than others on Pear Tree Lane.

In 1998, Andrew Riley requested authority to subdivide property [which lots did Andrew Riley own???] along Pear Tree Lane. At a City Council meeting on June 9, 1998, the request was approved “with the following conditions:1) Curb; 2) Gutter; 3) Sidewalk; 4) Street Installed or bonded for by Andrew Riley.... Councilmember Bailey stated that he would like to see all properties along Pear Tree Lane have these conditions.

In May 2002, the City approved a Right of Way dedication on Pear Tree Lane, and obtained an Easement Quit Claim Deed from the owners of Pear Tree Estates on May 17, 2002.

The Borders Subdivision was discussed in the Minutes of the Moab City Planning Commission for January 28, 2003, item 5.

Action:

...the Planning Commission voted unanimously to recommend approval of the Borders Subdivision and to recommend that required improvements for said subdivision be waived by the City Council.

Discussion:

Request by Deb Truman/Borders to subdivide an approximately 3 acre parcel into two lots. Purpose of the request is to obtain a loan from her bank to complete construction of the house. Her bank would not grant a housing loan on the three acres because there were too many fruit trees. Her option was to cut the trees. The City Council had approved the building permit for the house, on three acres, on May 14, 2002 without the requirements or bond to put in curb, gutter, sidewalk or road. However, a 50 foot easement for the road was requested and signed by the property owners. A subdivision was not then suggested because of the requirement to put in said improvements for subdivisions (12-08-060 & 16.20.050). City Council had not waived subdivision improvement requirements before, to my knowledge. Border's property was later divided into lots, by metes and bounds, and recorded. Planning Office turned its head but told Deb that only one building permit would be allowed for the entire parcel.

The bank has now requested that proof of acceptance by the City for the subdivision, be submitted. Because the City did not recognize the subdivision, there is none. So what Deb is requesting is a formal recognition of the subdivision. A plat will be submitted at the meeting. She is also asking that the subdivision improvements not be required which is permissible by the City Council on recommendation from the Planning Commission. (16.08.030).

The same day, on January 28, 2003, the City Council approved the Subdivision with exceptions. The Minutes state:

Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter, sidewalk and other required improvements are in place. Councilmember Sweeten seconded the motion. The motion carried 5-0.

The minutes do not include any discussion or explanation as to why the City Council ignored the recommendation by the Planning Commission that the requirement of the improvements be waived.

This all happened between 15-20 years ago. Since that time, other homes have been built on Pear Tree Lane, on both sides of 1040 Pear Tree (need examples - 848, the Dee Tranter subdivision of a flag lot ? Other newer homes and dates.)

No one has built the road or paid for the bond (??? Do we know this is true about the bond?)

Pear Tree Lane remains an area with a rural feel. The owners do not want the road paved [can you obtain signatures from the owners of other lots to support the Request??) , and it would be absurd to have ___ feet in front of 1040 a paved road with sidewalks, and no other portion of Pear Tree improved.

We ask that the Council approve exceptions to the requirement of curb, gutter, sidewalk and paved road for approval of residential development on Pear Tree Lane, and waive the requirement of a bond in lieu of improvements.

We are asking that the City place the same requirements on our Pear Tree Lot as it has placed on all the neighboring lots along the length of the Lane, and that it lift a plat note restriction that has been placed on it.

Brief history-

We were leasing the Pear Tree land for our sheep, and when the owner, JC Borders, encountered medical and financial difficulties, we offered to buy it in 2013. Neither the Owner's Disclosure Forms nor the Title insurance showed that 10 years earlier the City, after a Quit Claim subdivision, had placed a plat note on the land that re-established a 1998 subdivision requirement that prior to development, the owner must pave, sidewalk, and gutter the lot. A previous owner, Andrew Riley, walked away from his project because of the requirement, and we have subsequently lost 3 written offers to purchase it due to the uncertainty surrounding the plat note restriction. Meanwhile the contiguous lot next door has been subdivided and a manufactured home, four sheds, a large motor home, and a huge shipping container have all been added with no requirement from the City to pave, sidewalk, or gutter. And the identical lot to ours on the flip side of the Borders property, also sold without any restriction on it *and is currently being developed.*

We request that there be equal application of development requirements, particularly since meeting them for building a single residence may exceed the assessed value of the property. Thank you.

Planning Commission Minutes 1.23.2003

5. Borders Subdivision, Pear Tree lane

Action:

On a motion by Rodney Taylor with a second from Kara Dorhrewend, the Planning Commission voted unanimously to re commend approval of the Borders Subdivision and to recommend that required improvements for said subdivision be waived by the City Council.

Discussion:

Request by Deb Truman/Borders to subdivide an approximately 3 acre parcel into two lots. Purpose of the request is to obtain a loan from her bank to complete construction of the house. Her bank would not grant a housing loan on the three acres because there were too many fruit trees. Her option was to cut the trees. The City Council had approved the buildin ennit for the house on three acres, on May 14, 2002 without the requirements or bond to put in curb tter sidewalk dJiowever, a 50 foot easement or e road was requested and signed by the property owners. A subdivision was not then suggested because of the requirement to put in said improvements for subdivisions (12-08-060 & 16.20.050). City Council had not waived subdivision improvement requirements before, to my knowledge. Border's property was later divided into lots, by metes and bounds, and recorded. Planning Office turned its head but told Deb that only one building permit would be allowed for the entire parcel.

The bank has now requested that proof of acceptance by the City for the subdivision, be submitted. Because the City did not recognize the subdivision, there is none. So what Deb is requesting is a formal recognition of the subdivision. A plat will be submitted at the meeting. She is also asking that subdivision improvements not be required which is permissible by the City Council on recommendation from the Planning Commission (16.08.030).

264 City Council Minutes 1.28.2003

APPROVAL OF MINUTES

CITIZENS TO DI:111:ARD PLANNING UPDATE

PUBLIC WORKS UPDAT!!
POLie!! DEPARTMENT UPDATE
PRESENTATION
CONSENT AG!,NDA
TEMPORARY CLASS II DEER LICENSE FOR111E RANCII IIOUSE, APPROVED

ACCEPTANCE OF ANNEXATION PETITION
PEAR TREE ESTATES SUUOIVISION AIT'ROVW W'II I EXCEPTIONS
PROP ORO H2003-02 SENT TO PUDLIC HEARING
PROP ORD #2003-01 APPROVED

Councilme111ber Duvls moved to approve the Regular Council MeeUng Minutes of January 14, 2003. Councilmember Stucki secondcd the motion. The motion carried 5-0 aye. .

There were no Citizens to be Heard

Under City Planning, City Planner Hugie distributed a written report. A Public Works Department Update was not given.

Under Police Department Update, Councilmember Sweeten inquired if speed enforcement had been increased on 500 West.

Police Chief Navarre stated that citations were being written.
Under PresentIntions,Scott Patterson made a presentation on behalf of Northwest Pipeline/Williams Pipeline Company regarding easement issues in U1e Mountain View Subdivision .

Councilmember Sweeten moved to approve the Consent Agenda as follows:

1) Request for Approval of a Special Events License for the Canyonlands HalfMaraU1on and Five Mile Run to be Held on March 15, 2003; 2) Confirmation of Mayoral Appointments to the Moab Arts and Recreation Center Board of Teresa Minear and Debra Hughes with tern1s ending 12/31/03, Marlene Huckabay, Katie Watkins and Joan Sangree with terms ending 12/31/04; 3) Confinnation of Mayoral Appointments to the Shade Tree Commission of Marjorie Wagner, Chace Gholson and Michael Johnson with term1s ending 12/31/05; 4) Conlination of Mayoral Appointment to the Grand County Hospital Board of Bill Stevens; 6) Request to Send Proposed Resolution #04- 2003 - A Resolution Amending the Fiscal Year 2002 - 2003 Budget to Public Hearing. Councilmcmber Stucki seconded U1c motion. The motion carried 5-0 aye.

Councilmember Sweeten moved to approve a Temporary Class II Beer License for Howard McKay Edwards, d.b.a. The Ranch House Restaurant Located at 1266 North Highway 191. Councilmember Peterson seconded the motion . The motion carried 5-0 aye.

Councilmcmber Peterson moved to accept a Petition for Annexation by Dan Holyoak, Mary Colleen Taylor, Colin Fryer, and Robert Tangren for Property Located at Approximately 450 West Williams Way.
Councilmember Davis seconded the motion. The motion carried 5-0 aye.

Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter, sidewalk and other required improvements are in place.

Councilmember Sweeten seconded the motion. The motion carried 5-0 aye.

Councilmcmber Sweeten moved to Send Proposed Ordinance #2003-02

Councilmember Stucki moved to approve a Home Occupation License for Mel Atwood, d.b.a. YourSolutions.net to conduct an Internet Development and Consultation Business. Councilmember Peterson seconded the motion. The motion carried 5-0 aye.

HOME OCCUPATION LICENSE FOR MEL ATWOOD, D.B.A. YOURSOLUTIONS.NET, APPROVED

Councilmember Stucki moved to approve a Revocable Use License for Quintstar Enterprises to fence a portion of the Cedar Avenue right-of-way. Councilmember Davis seconded the motion. The motion carried 5-0 aye.

REVOCABLE USE LICENSE TO FENCE A PORTION OF THE CEDAR AVENUE RIGHT-OF-WAY, APPROVED

Councilmember Davis moved to approve a right-of-way dedication on Pear Tree Lane as outlined in the legal description entitled Exhibit A. Councilmember Bailey seconded the motion. The motion carried 5-0 aye.

RIGHT-OF-WAY DEDICATION ON PEAR TREE LANE, APPROVED

Councilmember Stucki moved to approve a Moved-on Structure Permit for Dennis Knibbe, d.b.a. H.E.C. Electronics, located at 300 South Main Street to conduct Car Audio Sales. Councilmember Sweeten seconded the motion. The motion carried 4-1 aye with Councilmember Peterson voting nay.

MOVED-ON STRUCTURE PERMIT FOR DENNIS KNIBBE, D.B.A. H.E.C. ELECTRONICS, APPROVED

Councilmember Peterson moved to approve Proposed Resolution #11-2002 – a Resolution Adopting an Agreement for the Installation and Maintenance of Air Monitoring Equipment by and between Moab City, Utah, and the United States of America – Department of Energy. Councilmember Sweeten seconded the motion. The motion passed 5-0 aye.

PROPOSED RESOLUTION #11-2002, APPROVED

Councilmember Peterson moved to approve Proposed Resolution #09-2002 – a Resolution Amending the City of Moab General Plan with the condition that on page 13, section D-2 the language “and lands in the City that are currently zoned C-4” be removed. Councilmember Bailey seconded the motion. The motion carried 5-0 aye.

PROPOSED RESOLUTION #09-2002, APPROVED

Councilmember Sweeten moved to send Proposed Resolution #13-2002 – a Resolution Adopting the Fiscal Year 2002-2003 Budget to Public Hearing. Councilmember Bailey seconded the motion. The motion carried 5-0 aye.

PROPOSED RESOLUTION #13-2002 SENT TO PUBLIC HEARING

Councilmember Bailey moved to approve Proposed Resolution #14-2002 – a Resolution Adopting an Interlocal Agreement as to the Funding, Installation and Maintenance of the Grand County High School Tennis Court Lighting System. Councilmember Davis seconded the motion. The motion carried 5-0 aye.

PROPOSED RESOLUTION #14-2002, APPROVED

Mayor Sakrison opened a public hearing on Proposed Ordinance #2002-03 – an Ordinance of the Governing Body of Moab Annexing Property Located at approximately 1266 North Highway 191 to the City of Moab, at 7:36 PM.

PUBLIC HEARING OPENED

No public comment was given.

Mayor Sakrison closed the public hearing at 7:36 PM.

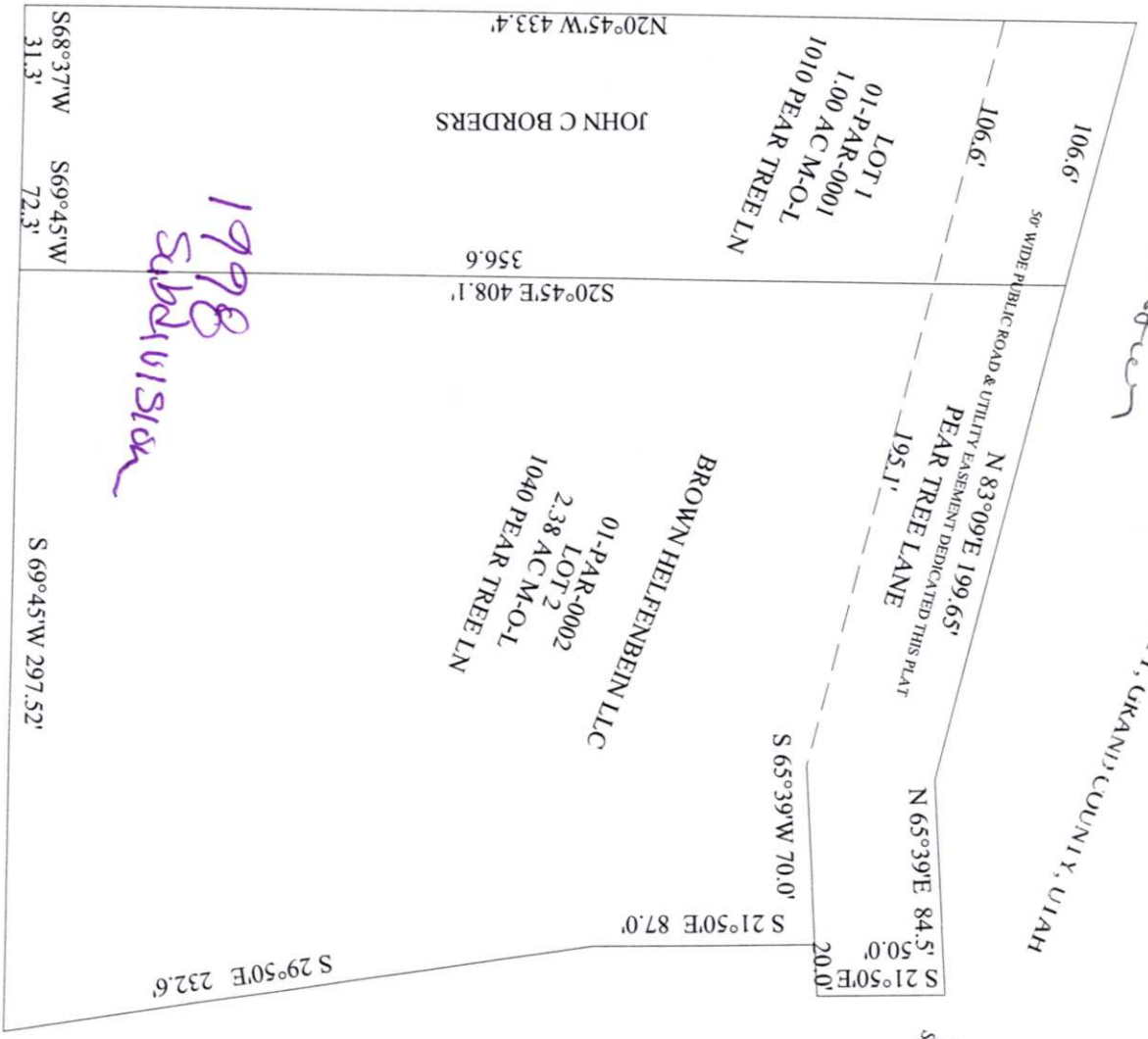
PUBLIC HEARING CLOSED

Under Reading of Correspondence, Mayor Sakrison distributed a letter from Utah Representative Karen Morgan. Mayor Sakrison stated that he had received a letter from the State of Utah Division of Community and Economic Development complimenting Planning & Community Development Director Olsen’s administration of the Community Development Block Grant program. Mayor Sakrison stated that he was appointed to the Utah League of Cities and Towns Legislative Policy Committee and that he had received a letter from Dee Foy regarding an enforcement issue. Mayor Sakrison stated that he was looking for suggestions for the Utah Humanities Council Mayor’s Award recipients.

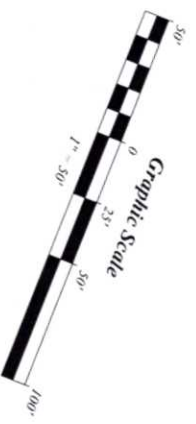
READING OF CORRESPONDENCE

in Care of

GRAND COUNTY, UTAH



THIS PLAT IS FOR NAME CHANGE RECORDS ONLY
SEE OFFICIAL PLAT FOR ALL OTHER PURPOSES



Moab City Council Agenda Item

Meeting Date: April 14, 2020

Title: Consideration and Possible Approval of Resolution #20-2020, an Amendment to the Subdivision Plat for Properties located at 237, 239, 241, 243, and 245 West 400 North, Moab UT 84532, from the Park West Condominiums, to the Moab Park West Townhomes.

Staff Presenter: Cory P. Shurtleff, Assistant Planner

Attachment(s):

Exhibit A: Draft Resolution #20-2020

Exhibit B: Draft Plat

Exhibit C: Narrative

Options:

1. Approve with or without modifications
2. Continue action on the item and give specific direction to the applicant and staff as to additional information needed.
3. Deny the petition.

Applicant: Danette Johnson; behalf of Park West Condominiums/Townhomes

Motion for Positive Recommendation: I move to approve Resolution #20-2020, an Amendment to the Subdivision Plat located at 237, 239, 241, 243, and 245 West 400 North, Moab UT 84532, from the Park West Condominiums, to the Moab Park West Townhomes. :

Background:

The subject property is an existing subdivision located on the corner of 400 N and Park Ln. This property includes (6) condominium units with addresses at 237, 239, 241, 243, and 245 West 400 North. The condominium units are existing single story dwellings, organized as (3) structures with a shared wall between dwelling units.

On December 18, 2019, Danette Johnson, on behalf of the Park West Condominiums, and Lucas Blake, with Red Desert Land Surveying, met with City Staff to discuss options for plat adjustments that would redefine the lots in a way financing institutions would be able to recognize them. From December 30, 2019, through March 9, 2020, Danette continued to coordinate with City Staff to complete the application process.

On March 9, 2020, Danette Johnson, on behalf of the Park West Condominiums submitted the Petition to Vacate, Alter, or Amend a Subdivision Plat Application to Moab City. As expressed in MMC Chapter 16.08.050, if all owners within the plat sign the amendment and it is not (1) a multi-residential, industrial, or commercial subdivision, nor does it (2) involve vacation of a public right-of-way, City Council can approve without public hearings by the Planning Commission or City Council.

On April 8, 2020, the Petition to Amend the Subdivision Plat, Park West Condominiums

to (now) the Moab Park West Townhomes, with no alterations in a manner that change existing boundaries or other attributes of the lots other than Subdivision name and lot definition, was submitted to review by the Moab City Council on April 14, 2020.

Project Summary:

This amendment to the subdivision plat changes the title of the subdivision from the Park West Condominiums, to the Moab Park West Townhomes. The propose for this amendment is to change the designation of these unit/lots from Condominium units as defined in MMC chapter 17.06.020, to Townhome lots as defined in MMC chapter 17.06.020, for the purpose of making the units financeable by lending institutions. No additional amendments, or alternations are being proposed.

The encompassing property designated as all common area is a blanket easement for utilities and homeowners access and parking, is about .51 acres. There are (6) six unit lots that average about 861 square feet each. No change is being proposed to the current site or lots.

Process:

MMC Chapter 16.08.050 allows an amendment to a subdivision plat, if all owners within the plat sign the amendment and it is not (1) a multi-residential, industrial, or commercial subdivision, nor does it (2) involve vacation of a public right-of-way, City Council can approve without public hearings by the Planning Commission or City Council.

The definitions of Condominium and Townhome are stated in the MMC chapter 17.06.020.

CITY OF MOAB RESOLUTION NO. 20-2020

A RESOLUTION APPROVING AN AMENDMENT TO THE SUBDIVISION PLAT FOR PROPERTIES LOCATED AT 237, 239, 241, 243, AND 245 WEST 400 NORTH, MOAB UT 84532, FROM THE PARK WEST CONDOMINIUMS, TO THE MOAB PARK WEST TOWNHOMES.

WHERE AS, the following describes the intent and purpose of this resolution:

- a. Danette Johnson, (Applicant), on behalf of the Park West Condominiums has petitioned for an amendment to a Subdivision Plat at 237, 239, 241, 243, and 245 West 400 North, Moab UT 84532; and
- b. Applicant submitted to the City of Moab the appropriate application and documents for review and approval of the proposed Moab Park West Townhomes as required in MMC Chapter 16.08.050; and
- c. The subdivision properties are in the R-2 Single-Household and Two-Household Residential Zone and the proposed uses are allowed as permitted uses; and
- d. As required in MMC chapter 16.08.050, if all owners within the plat sign amendment and it is not (1) a multi-residential, industrial or commercial subdivision nor does it (2) involve vacation of a public R-O-W, City Council can approve without public hearings by Planning Commission or City Council; and
- e. The propose for this amendment is to change the designation of these unit/lots from Condominium units as defined in MMC chapter 17.06.020, to Townhome lots as defined in MMC chapter 17.06.020, for the purpose of making the units financeable by lending institutions; and
- f. The requested amendment does not alter the plat in a manner that changes existing boundaries or other attributes of the lots; and
- g. This amendment has already been adopted with the State of Utah, Department of Commerce – Division of Corporations & Commercial Code, and the Utah Homeowner Association Registry; and
- h. Following the consideration of the technical aspects of the pertinent code sections, the Moab City Council, pursuant to Resolution #20-2020, hereby finds, that the petition to amend the subdivision plat can meet or exceeds the pertinent code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MOAB CITY COUNCIL, the amendment of the Moab Park West Townhomes Plat is hereby APPROVED.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on April 14, 2020.

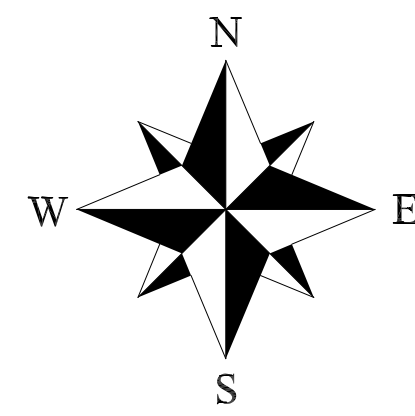
SIGNED: _____
Emily Niehaus, Mayor

ATTEST: _____
Sommar Johnson, Recorder



VICINITY MAP

NOT TO SCALE



SCALE: 1" = 20'

THE DRAWING WAS CREATED TO BE VIEWED IN PDF FORMAT. IF IT IS REPRODUCED OR VIEWED IN PDF OR ANY OTHER ELECTRONIC FORMAT, IT MAY NOT BE TO SCALE.

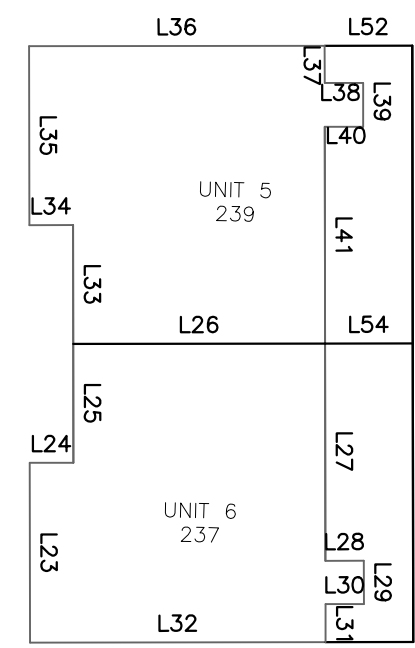
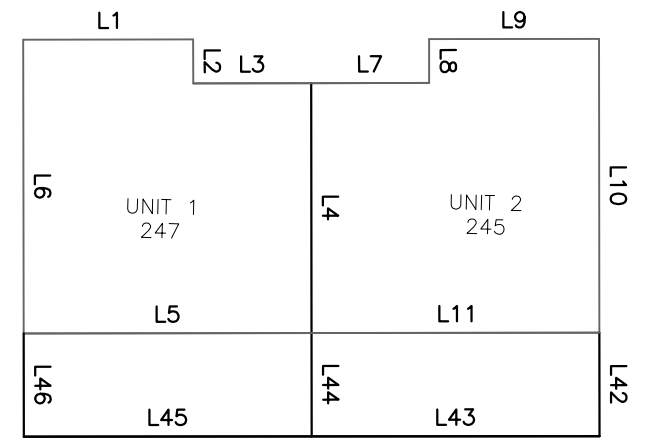
FINAL PLAT OF
MOAB PARK WEST TOWNHOMES
AMENDING PARK WEST
CONDOMINIUMS

A SUBDIVISION LOCATED WITHIN THE NORTHWEST QUARTER
SECTION 1, TOWNSHIP 26 SOUTH, RANGE 21 EAST,
SALT LAKE BASE AND MERIDIAN

NORTHWEST
CORNER,
SECTION 1, T26S,
R21E, SLB&M
(FOUND BRASS
MONUMENT)

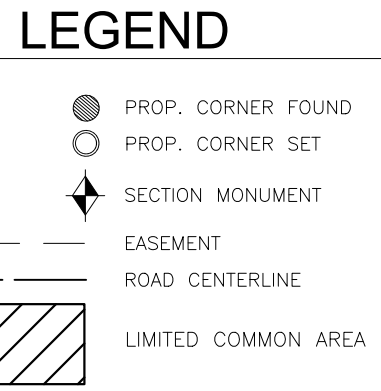
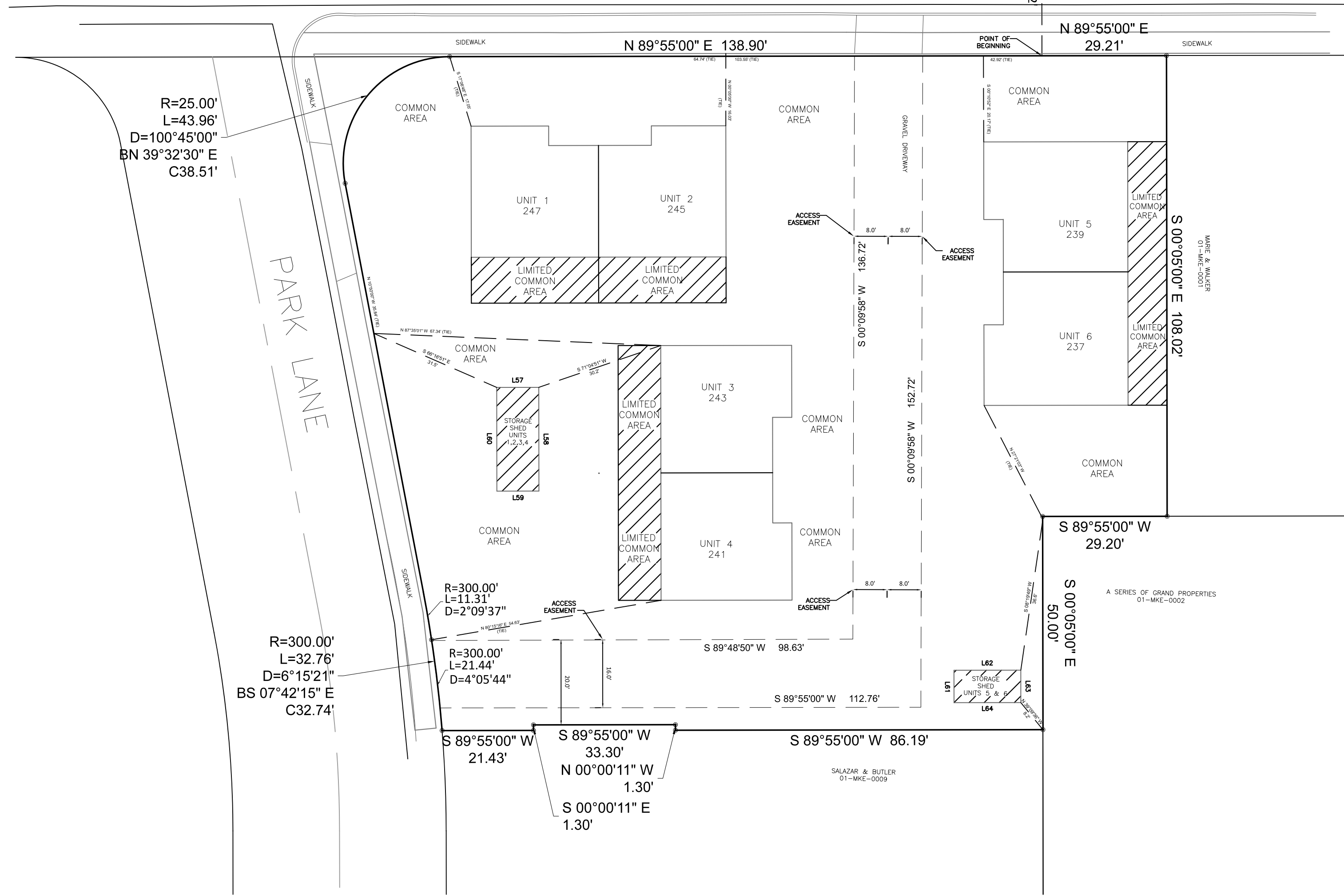
NORTH 1/4 CORNER,
SECTION 1, T26S,
R21E, SLB&M
(FOUND BRASS
MONUMENT)

400 NORTH STREET



LINE	BEARING	DISTANCE
L1	N 89°54'48" E	17.70
L2	S 00°05'12" E	4.57
L3	N 89°54'48" E	12.28
L4	S 00°05'12" E	26.01
L5	S 89°54'48" W	29.88
L6	N 00°05'12" W	30.60
L7	N 89°54'48" E	12.29
L8	N 00°05'12" W	4.57
L9	N 89°54'48" E	17.70
L10	S 00°05'12" E	30.60
L11	S 89°54'48" W	29.89
L12	N 89°54'14" E	30.70
L13	S 00°05'12" E	17.70
L14	S 89°54'48" W	4.50
L15	S 00°05'12" E	12.30
L16	S 89°54'08" W	26.20
L17	N 00°05'35" W	30.00
L18	S 00°05'12" E	12.30
L19	N 89°54'48" E	4.50
L20	S 00°05'12" E	17.70
L21	S 89°54'48" W	30.70
L22	N 00°05'35" W	30.00
L23	N 00°05'12" W	18.72
L24	N 89°54'48" E	4.55
L25	N 00°05'12" W	12.30
L26	S 89°54'48" W	26.23
L27	S 00°05'12" E	22.78
L28	N 89°54'48" E	4.00
L29	S 00°05'12" E	4.52
L30	S 89°54'48" W	4.00
L31	S 00°05'12" E	3.98
L32	S 89°54'48" W	30.78
L33	N 00°05'12" W	12.40
L34	S 89°54'48" W	4.55
L35	N 00°05'12" W	18.64
L36	S 89°54'48" E	30.78
L37	S 00°05'12" E	3.88
L38	N 89°54'48" E	4.00
L39	S 00°05'12" E	4.58
L40	S 89°54'48" W	4.00
L41	S 00°05'12" E	22.44
L42	S 00°05'12" E	10.78
L43	S 89°54'48" W	29.99
L44	N 00°03'26" W	10.78
L45	S 89°56'34" W	29.99
L46	N 00°05'12" W	10.75
L47	S 89°54'48" W	10.00
L48	N 00°05'35" W	30.00
L49	N 89°56'31" E	10.00
L50	N 00°05'35" W	30.00
L51	N 89°56'31" E	10.00
L52	N 89°55'00" E	9.13
L53	S 00°05'00" E	31.02
L54	S 89°55'00" W	9.13
L55	S 00°05'00" E	31.10
L56	S 89°55'00" W	9.13
L57	N 89°54'48" E	9.87
L58	S 00°05'12" E	24.31
L59	S 89°54'48" W	9.87
L60	N 00°05'12" W	24.31
L61	N 00°05'12" W	7.60
L62	N 89°54'48" E	15.87
L63	S 00°05'12" E	7.60
L64	S 89°54'48" W	15.87

- NOTES:
1. THE PLAT IS TO CONVERT THE DEVELOPMENT FROM CONDOMINIUM OWNERSHIP TO TOWNHOUSES.
 2. ALL COMMON AREA IS A BLANKET EASEMENT FOR UTILITIES AND HOMEOWNERS ACCESS & PARKING.



SURVEYOR'S CERTIFICATE

I, Lucas Blake, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7540504, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as

MOAB PARK WEST TOWNHOMES

and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Lucas Blake _____ Date _____
License No. 7540504

BOUNDARY DESCRIPTION

The west 29.2 feet of Lot 1, Block A, Plat A, Kerby subdivision, according to the official plat thereof and a portion of Lot 1, Block B, Plat B, Kerby Subdivision, according to the official plat thereof being more particularly described as follows:

Commencing at the North 1/4 corner of Section 1, Township 26 South, Range 21 East, Salt Lake Base and Meridian, thence South 89°55' West 939.5 feet along the section line and South 49.5 feet to the point of beginning, and running thence North 89°55'00" East 29.21 feet; thence South 00°05'00" East 108.02 feet; thence South 89°55'00" West 29.20 feet; thence South 00°05'00" East 50.00 feet; thence South 89°55'00" West 86.19 feet; thence North 00°00'11" West 1.30 feet; thence South 89°55'00" West 33.30 feet; thence South 00°00'11" East 1.30 feet; thence South 89°55'00" West 21.43 feet; thence with a non-tangent curve to the left 32.76 feet along the arc having a radius of 300.00 feet, the radius point being South 85°25'26" West, a delta angle of 06°15'22", and a chord bearing of North 07°42'15" West 32.74 feet; thence North 10°50'00" West 97.61 feet; thence with a curve to the right 43.96 feet along the arc having a radius of 25.00 feet, a delta angle of 100°45'00", and a chord bearing of North 39°32'30" East 38.51 feet; thence North 89°55'00" East 138.90 feet to the point of beginning.

contains 27,275.95 square feet, 0.626 acres

OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as

MOAB PARK WEST TOWNHOMES

and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

ACKNOWLEDGMENT

STATE OF _____ } S.S.
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME,

_____ WHOM DID ACKNOWLEDGE
TO ME THAT THEY SIGNED THE FOREGOING OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

SURVEY NARRATIVE

The property has been accurately surveyed with the intent to subdivide land. The basis of bearing is S 89°55'00" W between the North 1/4 corner and the Northwest corner of Section 1, Township 26 South, Range 21 East, Salt Lake Base and Meridian.

The purpose of this amended plat is to create 6 new lots from this parcel.



30 South 100 East
Moab, UT 84532
435.259.8171

Project	122-19
Date	2/13/20
Sheet	1 OF 1

APPROVAL BY MOAB CITY PUBLIC WORKS
APPROVED THIS _____ DAY OF _____ AD, 20____
DIRECTOR _____

APPROVAL BY MOAB CITY ATTORNEY
APPROVED THIS _____ DAY OF _____ AD, 20____
CITY ATTORNEY _____

APPROVAL BY MOAB CITY ENGINEER
APPROVED THIS _____ DAY OF _____ AD, 20____
CITY ENGINEER _____

APPROVAL BY MOAB CITY PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ AD, 20____
CHAIR _____

APPROVAL BY MOAB CITY COUNCIL
APPROVED THIS _____ DAY OF _____ AD, 20____
MOAB CITY MAYOR _____
ATTEST: _____

COUNTY RECORDER NO. _____
STATE OF UTAH, GRAND COUNTY, RECORDED AT THE REQUEST OF _____
DATE _____ BOOK _____ PAGE _____ FEE _____
COUNTY RECORDER _____

Narrative

Moab Park West Townhomes

Petition to Vacate, Alter or Amend a Subdivision Plat

Utah State Code 10-9a-608(2)(a)

The main reason for this Amendment is to change the designation of these units from Condominiums to Townhomes so that they can be financeable by lending institutions. The requested Amendment does not alter the plat in a manner that changes existing boundaries or other attributes of the lots. It only alters the name of the development to read Townhomes as opposed to Condominiums.

The name has already been amended with the State of Utah, Department of Commerce - Division of Corporations & Commercial Code and the Utah Homeowner Association Registry.

Moab City Council Agenda Item

Meeting Date: April 14, 2020

Title: Proposed Resolution 02-2020: Declaring Certain Property Owned by the City of Moab as Surplus.

Date Submitted: March 10, 2020

Staff Presenter: Joel Linares, City Manager

Attachment(s): Resolution 02-2020

Options: Approve, deny, or modify.

Recommended Motion: I move to approve the Resolution #02-2020-A resolution of the Governing Body Declaring City Property as Surplus

Background/Summary: To be declared as surplus an ADA Compliant Portable Restroom. It is requested that the portable restroom be donated to our local VFW (Veterans of Foreign Wars) lodge. This would certainly assist those of our local veterans that require more accessibility.

RESOLUTION #02-2020

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MOAB
DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF MOAB AS SURPLUS**

WHEREAS, Moab City has the right and title to certain property listed below

and

WHEREAS, the Governing Body of Moab City declares that at present time, it has no use whatsoever for said property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF MOAB CITY THAT:

1. The property detailed on the attached list is hereby declared as surplus city property.
2. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council this _____ day of _____, 2020.

SIGNED:

ATESTED:

Emily S Niehaus, Mayor

Sommar Johnson, Recorder

Moab City Council Agenda Item

Meeting Date: April 14, 2020

Title: Proposed Resolution 16-2020: Declaring Certain Property Owned by the City of Moab as Surplus.

Date Submitted: March 10, 2020

Staff Presenter: Carly Castle, Assistant City Manager

Attachment(s): Resolution 16-2020
List of Surplus Property

Options: Approve, deny, or modify.

Recommended Motion: I move to approve the Resolution #16-2020-A resolution of the Governing Body Declaring City Property as Surplus

Background/Summary: Attached is a list of Film Commission items that are no longer useful. These items will be sold during our annual sale of salvaged and declared as surplus items.

RESOLUTION #16-2020

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MOAB
DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF MOAB AS SURPLUS**

WHEREAS, Moab City has the right and title to certain property listed below

and

WHEREAS, the Governing Body of Moab City declares that at present time, it has no use whatsoever for said property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF MOAB CITY THAT:

1. The property detailed on the attached list is hereby declared as surplus city property.
2. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council this _____ day of _____, 2020.

SIGNED:

ATESTED:

Emily S Niehaus, Mayor

Sommar Johnson, Recorder

2/27/20



SURPLUS

CANON HV20 "HDV" MINI DV CAMCORDER KIT x 2

SONY HVR-V1U "HDV" PRO CAMCORDER

GO PRO HERO 3+ BACPAC BACKDOOR KIT

GOPRO HERO4 SILVER CAMERA

GOPRO HERO4 DUAL BATTERY CHARGER

GOPRO HERO3 RECHARGEABLE BATTERY

STEDICAM CURVE F/GOPRO HERO/3 X 2

NIKON D80 DIGITAL SLR CAMERA

DJI PHANTOM 4 W/CAMERA KIT DRONE AND CARBON BACKPACK – \$1,400.00

FLIP CAMERA ULTRA x 4

A handwritten signature in black ink, consisting of a large, stylized letter 'B' followed by a long horizontal line that extends to the right.

BRETT
METZGER
Film Commission Director

Moab City Council Agenda Item
Meeting Date: April 10, 2020

Title: Ordinance #2020-11, an ordinance to create the Arches Hotspot Region Coordinating Committee for the City of Moab to include Title, Chapter and Section Number.

Presenter: Joel Linares

Attachment(s):

- Proposed Ordinance
- Code

Suggested Motion: I move to adopt Ordinance #2020-11, “An ordinance to create the Arches Hotspot Region Coordinating Committee for the City of Moab to include Title, Chapter and Section Number.”

Background/Summary:

This Ordinance is to create the Arches Hotspot Region Coordinating Committee in accordance with Resolution 15-2020 passed by the Moab City Council on the 24th day of March, 2020.

**CITY OF MOAB
ORDINANCE NO. 2020-11**

**AN ORDINANCE TO CREATE THE ARCHES HOTSPOT REGION COORDINATING
COMMITTEE FOR THE CITY OF MOAB TO INCLUDE TITLE, CHAPTER, AND
SECTION ORGANIZATION.**

Be it enacted and ordained by the City Council of the City of Moab, Utah as follows:

SECTION ONE: PURPOSE. The purpose of this ordinance is to create the Arches Hotspot Region Coordinating Committee. This shall be codified in Title 2 Administration and Personnel, Chapter 2.92 Arches Hotspot Region Coordinating Committee in the City of Moab Code. This will place the rules and regulations regarding the Arches Hotspot Region Coordinating Committee with other City commissions and boards.

SECTION TWO: ARCHES HOTSPOT REGION COORDINATING COMMITTEE. The Arches Hotspot Region Coordinating Committee is hereby established by the City of Moab herein by the enactment of this Ordinance, which shall be included in said Code as attached hereto as “Exhibit “A”.

EXHIBIT “A”

SECTION THREE: REPEALER. All policies previously adopted by the City of Moab are hereby repealed to the extent that the same may be in conflict with the provisions of this Ordinance.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its full compliance with all Utah State law requirements for a lawful ordinance to take effect.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MOAB,
THIS 10th DAY OF APRIL, 2020.

By Emily Niehaus
Mayor

ATTEST:

Sommar Johnson, City Recorder
(S E A L)

Exhibit "A"

Chapter 2.92
Arches Hotspot Region Coordinating Committee

- 2.92.010 Arches Hotspot Region Coordinating Committee, Number of Members, Appointment, Term of Committee.
- 2.92.020 Compensation.
- 2.92.030 Vacancies and Removals for Cause.
- 2.92.040 The Chair
- 2.92.050 Powers and Duties.
- 2.92.060 The City Council Shall Retain the Following Powers:

2.92.010. Arches Hotspot Region Coordinating Committee, Number of Members, Appointment, Term of Committee.

1. In the creation of the Arches Hotspot Regional Coordinating Committee, it is herein decreed that:
 - a. The Committee shall consist of seven (7) members.
 - b. Committee Members shall serve for the duration of the Committee which shall be one year from the date of the adoption of the Ordinance creating it.
 - c. Four (4) Committee members shall be appointed by the Moab City Council by simple majority.
 - d. Three (3) Committee members shall be appointed by the Grand County Council by simple majority.
 - e. A vacancy shall be filled by the respective council which originally appointed the Committee member as soon as reasonably possible following a vacancy.

2.92.020 Compensation.

Committee members shall not receive compensation for their service but shall be eligible for pre-authorized compensation for expenses directly related to cost associated with the service or requirements of activity related to their service to be paid by the council to which they were appointed.

2.92.030. Vacancies and Removals for Cause.

The Council from which a Committee member was appointed shall have the right to remove said member of the Committee for misconduct and may remove them for non-performance of duty. Unexcused absences from two consecutive scheduled meetings of the Committee may be considered by the Council as non-performance of duty.

2.92.040. The Chair.

The Committee shall have a chair which shall be selected by a majority of members of the Arches Hotspot Region Coordinating Committee at its first meeting and may serve as such for the duration of the Committee.

2.92.050. Powers and Duties.

1. The Committee shall comply with the Utah Open and Public Meetings Act as outlined in Utah Code §52-4-101, *et seq.*
2. The Chair shall conduct the meetings, which shall have minutes recorded.
- 3.
4. In conjunction with UDOT, the Committee shall use applicable Recreation Hotspot funding criteria and any additional UDOT submittal requirements to evaluate, develop, and recommend a project or projects to be implemented using the UDOT Recreation Hotspot funds and which the Committee anticipates would garner community and local leadership support.
5. The Committee shall submit its recommended Recreation Hotspot funding project or projects to the Moab City Council and Grand County Council for final approval.

6. The Committee does not have the authority to enter binding agreements for either the City of Moab or Grand County.
7. The Committee does not have the authority to terminate, abrogate, alter, modify, or amend any agreements held by the City of Moab or Grand County.

2.92.060. The City Council Shall Retain the Following Powers:

1. The Moab City Council or Grand County Council may request the Committee provide any information or materials the Committee is working on for their consideration.
2. The Committee shall expire one year from the date of the adoption of the Ordinance creating it.
3. The Moab City Council shall have the authority to disband the Committee at any time by ordinance and majority vote.