



MARCH 10, 2020
PRE-COUNCIL WORKSHOP 5:00 P.M.
REGULAR CITY COUNCIL MEETING 7:00 P.M.
City Council Chambers
217 East Center Street
Moab, Utah 84532

1. Pre-Council Workshop - 5:00 p.m.

- 1.1.** Workshop to solicit public input on Hotspot Funding for dispersed parking projects located near Emma Boulevard

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

3. Call to Order and Pledge of Allegiance

4. Approval of Minutes

- 4.1.** Minutes: February 11, 2020 Regular City Council Meeting

Documents:

min-cc-2020-02-11 draft.pdf

5. Mayor and Council Reports

6. Administrative Reports

7. Citizens to Be Heard

8. Public Hearing (Approximately 7:30 p.m.)

- 8.1.** Proposed 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 (Sponsors: Councilmembers Duncan and Guzman-Newton)

Documents:

councilmember duncan dps presentation.pdf
resolution 15-2020 cancellation of downtown parking structure
rev d.pdf

9. Old Business

- 9.1.** Proposed 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 (Sponsors: Councilmembers Duncan and Guzman-Newton)

Briefing and possible action

Documents:

*agenda summary resolution 15-2020.pdf
resolution 15-2020 cancellation of downtown parking structure
rev d.pdf
udot letter 6 month pause.pdf*

- 9.2.** Proposed Resolution 17-2020: A Resolution Suspending Design of the Downtown Transportation Hub and Considering Alternative Uses of the Hotspot Funding (Sponsor: Councilmember Jones)

Briefing and possible action

Documents:

*agenda summary and resolution 17-2020.pdf
dth pause kj agenda item and resolution.pdf*

- 9.3.** Improvements to City Communication and Outreach Based on Observed Discussions Around Highway Widening and Hotspot Funded Projects (Sponsor: Councilmember Derasary)

Documents:

rani agenda summary.pdf

- 9.4.** 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 (Sponsor: Councilmember Derasary)

- 9.5.** Reconsideration of Approval for City Staff to Request UDOT Approval to Use Dispersed Parking Hotspot Funding to Construct the Emma Blvd Dispersed Parking Facilities (Sponsor: Councilmember Derasary)

Briefing and possible action

Documents:

*emma dispersed parking agenda summary.pdf
north main street business parking lot development - emma
blvd without maxine.pdf*

10. New Business

- 10.1.** Parking Layout Options for 100 South between 100 West and Main Street Agenda Summary

Documents:

*parking layout options for 100 south between 100 west and
main street agenda summary.pdf
attachment 1 - parking layout options 1 and 2.pdf*

- 10.2.** Main Street 2-hr Parking Restriction Agenda Summary

Documents:

main street 2-hr parking restriction agenda summary.pdf

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

Briefing and possible action

Documents:

agenda summary sheet - repeal of alcohol licensing.pdf
ordinance 2020-05 repealing alcohol licensing.pdf

10.4. Proposed 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

Briefing and possible action

Documents:

moab city council agenda summary 13-2020.pdf
resolution 13-2020.pdf
donations to non-profit organizations 02_20_2020.pdf

11. Approval of Bills Against the City of Moab

12. 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--DRAFT
REGULAR CITY COUNCIL MEETING
February 11, 2020**

The Moab City Council held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. An audio recording of the evening meeting is archived at: <https://www.utah.gov/pmnl/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=LLgRiYQp0ts>.

Executive Closed Session:

Councilmember Tawny Knuteson-Boyd moved to enter an Executive Closed Session for a Strategy Session to Discuss Reasonably Imminent and/or Pending Litigation. Councilmember Kalen Jones seconded the motion. The motion passed 5-0 with Councilmembers Tawny Knuteson-Boyd, Kalen Jones, Mike Duncan, Karen Guzman-Newton and Rani Derasary voting aye. Mayor Emily Niehaus called the Executive Session to order at 6:04 PM. Councilmember Kalen Jones moved to end the Executive Closed Session. Councilmember Tawny Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Kalen Jones, Tawny Knuteson-Boyd, Rani Derasary, Karen Guzman-Newton and Mike Duncan voting aye. Mayor Niehaus ended the Executive Closed session at 7:02 PM.

Executive Closed Session:

The Executive Closed Session regarding the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals was not held due to time constraints.

Regular Meeting— Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:07 PM and led the Pledge of Allegiance. In attendance were Councilmembers Karen Guzman-Newton, Mike Duncan, Rani Derasary, Tawny Knuteson-Boyd and Kalen Jones. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Chis McAnany, Assistant City Planner Cory Shurtleff, City Engineer Chuck Williams, Assistant City Engineer Eric Johanson, City Communications and Engagement Manager Lisa Church, City Recorder Sommar Johnson and Deputy Recorder Joey Allred. Thirty members of the public and media were present.

Approval of January 14, 2020 meeting minutes:

Councilmember Derasary moved to approve the minutes of January 14, 2020 with a correction to reflect that she was interested in metering overnight accommodations based on concerns about water that is left in the valley. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Guzman-Newton, Duncan, Knuteson-Boyd and Jones voting aye.

Mayor and Council Reports:

Mayor Niehaus attended the League of Cities and Towns stating there is a lot going on at the Legislature and they are watching several bills. She advised Council to get with her if they would like to see the list. She attended the Tech Summit in Salt Lake stating it was good networking toward working to create connectivity with the Wasatch Front. She reported attending a meeting with the City Manager, Assistant City Manager, County Attorney and City Chief of Police to work on collaboration and dialogue. She attended the Innovation Summit hosted by Jim Sorenson in Salt Lake where they talked with developers pitching housing projects and looking for investments. She attended the Moab Business Summit where Lieutenant Governor Cox was the keynote speaker and Congressman John Curtis was also a speaker. She noted that the free science-fiction movie night is Friday at the MARC at 7:00 PM. including free popcorn and candy.

Councilmember Derasary reported attending an EMS SSD meeting and the overall January call volume was up by 24%. She stated 77% of those calls were local with 46% of those calls were within City limits. She reported that EMS is constructing a new building and the engineers have scheduled a site plan design review. Councilmember Derasary stated there are a few legislative items concerning EMS that Council should be aware of. These include HB 190, proposed legislation that would make EMS an essential service similar fire and law enforcement, as well as sales tax amendments, such as TRT, that could help EMS. She reported the Rural EMS Directors Association Conference will be held in Moab in March. She attended the Utah League of Cities and Towns Legislative Policy Committee meeting. The bills that came up were HB 273 - Property Rights Ombudsman amendments, SB 39 - Affordable Housing amendments, HB 261 - Eminent Domain revisions, and HB 265 - Government Records Transparency Act. She received a request that the City keep in mind potentially paving Rainbow Drive. She reported speaking with another citizen that lives in the City whose property borders two County lots expressing frustrations with inconsistent enforcement between the City and County. Councilmember Derasary asked if it would be appropriate to discuss how the City and County enforce code at one of their joint meetings. She reported to Council that the Special Service District meetings she attends, discussions arise about the City's potential role in helping fund districts and feels this is something the City would need to address at some point.

Mayor Niehaus noted that she will be attending the Rural Caucus where EMS will be presenting.

Councilmember Duncan reported that he was informed at the County Water Board meeting that snowpack was slightly below normal but most of it could come in the next month or two. He said the community could still hope for a decent year. He reported attending the Vail InDeed meeting and briefly explained their process for maintaining affordable housing. He also attended a networking meeting with an individual from Jackson, Wyoming who explained how their resort town handles growth. He attended the GAIN meeting at 98 Center where people shared business ideas. He also attended the League of Women Voters meeting where they talked of State Legislature issues and the progress on TRT reform.

Councilmember Knuteson-Boyd reported attending the Emergency Management training at EMS. Her takeaway was to be brief and concise when speaking to the press. She announced that Council should have received invitations to attend a sneak peek at the Museum of Moab on February 25th between 4:00 PM and 7:00 PM.

Councilmember Guzman-Newton reported attending the Vail InDeed presentation given by Vail Housing Department Director George Ruther who demonstrated a deed restriction tool for governmental entities that is tied to resident occupancy instead of income limits. She attended the Chamber of Commerce ribbon cutting at Arches Property Management and attended a Chamber Board budget meeting. She attended an Airport Board meeting where the daily parking rate was increased to \$5.00 and passenger count is above 6,000 people. She reported that United Airlines currently has a daily flight scheduled which will increase to twice daily on March 6 2020, with additional increases during the height of the season. She attended a discussion about 21st Century Governance stating the City and County need clearly defined roles in order to achieve their goals. She reported that the Census meeting was cancelled but they would meet on February 18 to discuss the terms of the \$25,000.00 grant they received. She reported there will be a Chamber luncheon at noon on February 18 sponsored by Marion Tidwell. She stated speakers Derrick Cook and Carrie Strecker from Grand County High School will be discussing the Pathways program which is an opportunity for businesses to utilize interns as employees. The Grand County High School will offer a free event on Thursday at 6:30 PM with motivational speaker Collin Kartchner discussing the screen-induced public health crisis and the direct

link between smartphones and social media and an epidemic rise in depression, anxiety and suicide among kids ages 10-17. She said that the State of Utah's suicide rate has increased 140% over the last couple of years.

Councilmember Jones reported that the Solid Waste Special Service District received a new compactor for the Klondike landfill and will be more reliable for compacting solid waste. The National Park Southeastern Group is in a leadership transition and assessing how to more effectively engage with the community. He attended a Moab Dark Skies meeting that discussed improving the City's application as an International Dark Sky Community. The International Dark Sky Association recently adopted stricter standards for certification with increased application requirements. He reported that Moab Dark Skies is doing a community engagement program for businesses to apply to be a "Friend of the Milky Way". The businesses lighting will be assessed utilizing the new codes for the City or County as applicable. He reported attending the Affordable Housing Task Force where the County's version of affordable housing deed restrictions is under legal review. He also reported that the Task Force will be updating their priorities for 2020.

Mayor Niehaus held a moment of silence to honor the families impacted by the tragic events of Sunday night.

Administrative Reports:

City Manager Linares reported on Sunday night's automobile accident and said our thoughts go out to the families. He announced donation options for Council and the community to help those affected. He thanked the Police Department, County Attorney's Office, City, County and UDOT Streets Departments, Sheriff's Office, Highway Patrol, EMS and Moab Regional Hospital for their service to the community on Sunday night. Linares announced that City Wastewater Reclamation Facility Superintendent and Chief Operator Greg Fosse officially retired at the end of January after 17 years of service. He announced that registration is open for Spring sports for youth and adults. He reported that the Legislature is in session and our lobbyist is tracking approximately 20 bills including three eminent domain bills. He mentioned that Rainbow Drive was rated and ranked on the Capital Projects list and that it would be brought before Council at the next meeting.

Assistant City Manager Castle provided an update on progress made on HB 411 - Community Renewable Energy Act and the City's participation in the program. She reported that ICLEI - Local Governments for Sustainability helps communities reduce their carbon emissions and the City is participating with them. They are providing the City and the County with technical expertise and resources to produce a greenhouse gas inventory for the community. The City will be engaging a graduate student to help with the analysis which will include tourism and that inventory should be completed by the end of May.

City Attorney McAnany reported that the Utah Court of Appeals issued a ruling on the second Lions Back case that has been in litigation for many years. The court ruling dealt a setback to the parties stating that the City's public process in approving the zoning status agreement was insufficient because it did not include a public hearing. He explained that this left several unanswered legal questions that were the subject of the litigation. The City's representation is now evaluating whether a petition for certiorari to the Utah Supreme Court is appropriate. The original entitlements were granted in 2008 and SITLA indicated they still plan to pursue the project. City Attorney McAnany believes that SITLA and the developer will be petitioning the Utah Supreme Court. He explained that the project can move forward as it was originally approved and SITLA has procured appropriations to pay for infrastructure and design work. He reminded Council that the City is caught in the middle of this dispute between two opponents who are adamantly defending their positions. Councilmember Derasary requested an

overview of the development for Councilmembers and staff that were not involved when the project began.

Citizens to Be Heard:

Matt Hancock stated he is a business and commercial landowner in the center of town and spoke in opposition to the parking structure. He said that he had lost confidence in the project as the community was originally told that it would cost 7.3 million, then 8.3 million and it was reported on Friday and confirmed with the City Engineering that would cost 10 million of the Hotspot funding leaving little for other projects. He said that the number of parking spots has been reduced from 320 to 250 which works out to be about \$56,000 for each parking spot. He said that according to research the cost per parking spot is more than double the average cost of a new parking spot in San Francisco and New York. He said that Main Street needs additional safety infrastructure such as protected pedestrian crossings. He understands that UDOT is providing the funding, so it is not coming out of the City's pockets, but it is public money and the City has a fiduciary duty to ensure that it is prudently spent. He said that parking in Moab is severely constrained especially during the tourist season. He also said that the City's parking study indicates there is ample parking available for the needs of all land users. He said more diverse parking could be readily and cheaply provided. He stated that the parking structure made sense when the removal of parking from Main Street was discussed but that is no longer the case. He said that the parking structure is hopelessly overpriced and will deprive the City and its residents of critical funds for other projects. He encouraged Council to support the resolution of Councilmember Duncan.

Wendell Williams said that he owns over one acre of C-3 zoned property. He said that one valuable lesson he learned over the years was to do your due diligence on projects small and large. The second lesson was that the devil is in the details. He stated that was why he was there to speak strongly against the parking garage. He said that the parking garage was now going to cost \$10,000,000 for 250 parking spaces. He said that the City paid about \$50,000 on their parking study and in its opening paragraph it says that the current lot on which the garage will be built currently sits less than half full and never reaches capacity. He didn't understand why the City was about to build three floors of expensive parking over what they already have. He said that the report also states that Moab has more total parking available than is needed to meet demand and recommends Moab make better use of its dispersed parking. The report also provided suggestions such as parking limits during peak times. He said that the City would need to pay ongoing costs for the parking structure such as maintenance and operating costs which UDOT estimated at \$125,000 per year. He said that the parking garage was promoted to be the site of a valuable transportation hub but wondered why they were spending on that when the City didn't have any busses. He also said that it was said that the structure would promote housing throughout mixed use development by removing parking requirements for developments. He said that as the parking structure is in one centralized location it will only benefit developers who have land immediately surrounding the complex. The City also commissioned another study to explore dispersed parking on West Center and he thinks that the study presents an excellent model for providing attractive landscaped diverse parking that could be applied across all downtown.

Jim Englebright said that he was a business owner adjacent to the proposed parking structure. He said that he had owned that business for about 30 years, and they have had problems with parking there the entire time. He said that the parking lot where the parking structure is planned is full during the summer. He said that it is unusual to receive the kind of one-time funding that the City did and that there needs to be parking somewhere. He said that he believed that they should move forward with the parking structure while they have the money. He stated it is needed and if they don't use it now, they won't get a chance again. He said that the community had the opportunity to do a bypass many years ago and they lost it. He said that it would be much more difficult now. He thought that Moab had

become a destination and that parking is going to continue to be an issue. He asked that they please consider moving forward with the parking structure. He said that he wouldn't be happy with all the construction that will be going on there, but looking at the broader interest, he thinks they have a one-time shot at something pretty good with funding and that's pretty unusual. He strongly encouraged Council to go ahead with the project.

Jessica O'Leary said that she was not there in the capacity of the Planning Commission, but as a citizen and wanted to talk about parking. She said it goes beyond just parking. Our goal is to get cars off the road. She felt that the bigger issue was safety and the environment and parking the cars doesn't necessarily do that. She felt that people would still need to drive from the north and south ends of town to the center where the parking structure would be so they would still be creating more traffic congestion and impacting the environment. She said that society is built around the automobile. She believed that without a transportation system that people can use to get around town, people will still drive to work and do their shopping and tourists will still drive to where they want to go. She felt that a parking structure in the middle of town would change the character of the town and she thought that they should change the character of the town to represent environmental sustainability and increase safety by getting cars off the streets. She felt that a transportation system would eliminate the need for a parking structure.

Mike Bynum said that he was a local business owner and provided some history on a committee that was formed in 2017 to determine how the \$10,000,000 of UDOT Hotspot funding could be used. They came up with a list of priorities with two primary objectives. The first objection was a bypass around Moab and that hasn't gone away. He was in support of reclaiming their town and their streets and get that bypass done and he said that UDOT is willing to work with the community to do so. After a study was done for a bypass and to determine what other needs were, the second objective was a study to determine where to spend the money. What developed from that was a regional downtown transportation district. A centralized parking hub became a primary usage for part of the money and then a study for the bypass would be the other part. The bypass wasn't going to be built with the \$10,000,000 that they had, so the money was earmarked to do a project or projects in Moab. The study for the bypass was to be an entrée to be working with UDOT in the future to get a bypass done. He said that Ryan Anderson with UDOT was present to answer any questions and to confirm that this is literally a use it or lose it. This can be a regional transportation hub in the middle of our city. He said that the City needs to build for the future.

Michael Liss said that he was there to speak against the parking structure and asked if he could have more time than the allotted three minutes. Mayor Niehaus said it was her job to make sure that everyone feels heard and that there is equality and that is why everyone has equal access to speak as a citizen to be heard. He provided a powerpoint presentation. He said that he was frustrated that the largest infrastructure project in Moab is being handled without understanding and considering all the information. He said that he found the perfect book named Project Management for Dummies and rule 11 states whenever you get new information stop everything and make sure you're still doing the right thing. He said that he plans large-scale infrastructure for a living and every time you get new information you re-evaluate your decision. He said that the current parking lot was only used 40% of the time on the busiest week of the year and when you get information that says you don't need something you move on. He said that Council had four choices: 1. Do not change the project, 2. Make changes to the project, 3. Stop the project, and 4. Find a new solution. He then said that Moab ignored all the information and kept going. He mentioned that he had presented a proposal that shows you never build a parking structure if the land values do not support it. He said that they could buy land around town for the 320 spaces. He said that Kimley Horn is now down to 250 spaces for \$10,000,000 and asked what happened to the UDOT contract that says 320 spaces for 8.3 million. He also talked

about dispersed parking. He said that he had spoken to UDOT and that he and Curtis Wells have been told that if the City and County come up with a new use UDOT will listen. He said that if the City terminates the contract, they'll cover what is already spent. Rule 17 of Project Management for Dummies states ethics matter, not just illegal improprieties but do give even the appearance of impropriety. He then went on to rule 29 that states when you get the largest grant in the history of your town do something wonderful that benefits all citizens.

Brendon Cameron said that he was not there to talk about the parking structure. He was there to invite everyone to the Business Summit 2021. He said that they had gleaned a lot that would have been beneficial to the town. They had talked about goals and what the City and County should look like and he wished more of the City and County Councilmembers could have been there. He would like to figure out a way to get everyone there for next year's Summit. He said that they learned a lot and a lot was done. He said that the business owners and the City and County representatives were better because of it. He was there to invite Council to the 2021 Summit because it would benefit the whole town.

Deb Slechta said that studies have shown that there was no need for a downtown parking garage. She was concerned that the area would be forever dramatically changed by the parking structure. She was concerned that it would be four stories high which she said was double the height of the Hoodoo hotel which compliments the surroundings, but the view of the portal is blocked now and was concerned about a taller parking structure. She asked if it would be allowed if it was a private venture. She said that the parking structure would come with the added need of a traffic circle near Williams Way. She said that safety was a concern with parking structures because stairwells become zones for illegal activities. She said that Moab has an elderly and disabled community and didn't think that the parking garage would address their needs. She said that the City parking lot is underused, and the proposed parking garage will be even more empty. She asked Council to think the proposed development through in its entirety.

Daniel Loveridge said that he is the general manager of the Hoodoo hotel but was there as both a businessman and a private citizen. He believed that the parking garage was necessary. He moved to Moab a year ago and when he first got to town, he was driving around trying to find a place to park. He said that the City parking lot is difficult to find which may contribute to the low parking percentages. He said that after having worked in Moab for a while he has seen true needs for parking in town and that it is a major source of economic growth for the community. All the businesses in the downtown area would benefit from it. He believed that it would be a safety issue for the town to have more parking available and to get cars off the sides of the streets so that they are not blocking traffic. He said that people have not considered the impact on 100 West. With the hotel open they have held several community events including local weddings and sponsored fundraising events. He said that if Council had attended the Red Rock Soiree, they would have seen the true need for parking. He said it is his honest belief that a parking garage is truly necessary for downtown and the funds are there so let's not lose them. Once they're gone, they're gone. We don't get them back. If we're being responsible, we should take advantage of what we have and put it to good use.

Mark Thomas said that the state's generous contribution for a parking garage downtown is very appealing. However, he wanted Council to consider a few things before more money was spent. He felt that any significant new building should be part of a master plan for downtown as it would define the future look of downtown. He wanted Council to consider protecting the viewshed as one of the town's main assets. He didn't think that a parking garage would fit in with its surroundings and that it would interrupt the streetscape. He asked Council to consider form-based codes that delineate the appropriate form and scale and therefore, the local character of development. He said that if it was the Council's consensus that a parking structure is important to the community to investigate other funding sources

to improve the design with an underground parking proposal. He asked that they stop the project while they consider options for downtown.

Theresa King spoke regarding the RAP tax. She wanted to congratulate Council about being community leaders and encouraged them to start the conversation with the County about this process. She said she was very happy to see it happening and that she would do whatever she could as a board member of the Moab Arts Council to facilitate the conversations. She said that she was looking forward to seeing how it will progress and hoped Council continued forward.

Joe Kingsley stated that SB-52 was in its final stages and would be going to the floor of the legislature and hoped that Council would support it. He said that SB-52 is to remodel and refine UDOT so that they are not only responsible for roads and automobile transportation but also responsible for rail passenger traffic. When neighboring states got involved with rail passenger traffic, the rural communities spoke up and said that they wanted to be a part of it. He said that the bill would give UDOT the legal rights to plan and have vision for the future to provide rail transportation to rural communities in Utah. He was excited about it and thought that was getting high traction in the Senate Committee. He thanked the Moab Giants as they plan to be a temporary station making it very feasible.

Ryan and Erin Bird said that they are business owners in downtown Moab. They said they wanted to address a comment made earlier in favor of the parking structure stating they disagreed that just because the money was available, they should use it. They felt that would be a mistake and that it might not suit Moab best. They said that they had seen the parking struggle but thought that it was a little exaggerated at times. They would like to see more dispersed parking and thought it was a better solution. They also thought that the parking code for business owners was difficult. He felt that those who spoke in favor of the parking structure were those who would benefit most by being next to it. They said that people are lazy and believe that the parking structure will serve businesses in possibly a two-block radius because they didn't believe that people would park their car and walk if they could find an opportunity to park somewhere else. They also stated that there is no regulation on Main Street for how long people can park in a parking spot. They said that they have had RVs parked in front of their businesses for full business days and there is no restriction for that. They felt that should be addressed before building a \$10,000,000 parking structure or that the money could be allocated elsewhere and would like to understand why the money couldn't be re-allocated.

Old Business

Back-in Angle Parking Recommendation:

Discussion: Mayor Niehaus stated this item was previously reviewed by the Council and was on the agenda as an administrative decision. Council needs to provide direction to staff on how to proceed but no motions were necessary. Councilmember Duncan said that most of the comments from residents were negative about the back-in parking. He was willing to try it as an experiment and did not dispute the City Engineer's assertion that there was a modest safety advantage; however, he felt that it was a minor advantage compared to the other dangers that bicyclists face. He believes that motorists find it more difficult backing in versus backing out. He does not support expanding the back-in parking or keeping it in its current location. Councilmember Knuteson-Boyd said that she taught herself how to use the back-in parking, but she supports removing it from the current area. She also stated she would support trying it in front of City-owned property where it would not negatively impact businesses. Councilmember Derasary said that she agreed with it at the time; however, she now feels that it was not the best location to start with. She states that most of the comments she hears are that people don't like it. She said that she would only support trying it somewhere else if the residents and businesses that would be affected were in support, or if it was in front of City-owned property. Councilmember Jones is

in favor of removing it from 100 South since it appears to be a challenging location. He would like to try it somewhere else. He believes that bicycle safety needs to be a priority. Councilmember Guzman-Newton is also in favor of removing it from 100 South. However, she reminded Council that they had discussed putting it in front of Moonflower since it's one of the most dangerous locations for drivers, cyclists and shoppers to access. She states that she doesn't know if Moonflower has contacted the City to express an interest. She felt that it would be more effective to stripe bike lanes. Mayor Niehaus clarified that the consensus was to revert to pull-in parking on 100 South. However, she has a concern about the two parking spaces closest to the corner of 100 South and Main Street because they are too close to the busy intersection. She also points out that it is the route students take to the elementary school and that delivery trucks are parked in the road every morning. She also wants Council to consider a loading/unloading zone that is delineated for that purpose when re-striping the street. Councilmember Derasary stated that, in terms of equanimity, if Council considers removing any parking spots near corners that they would need to look at doing the same for the entirety of downtown. She doesn't feel prepared to pick one location without a larger community discussion first. She also said that the loading/unloading zone sounds like a good idea on the surface, but she wants input from businesses who observe that traffic flow. Councilmember Knuteson-Boyd doesn't see a lot of value in adding a loading/unloading zone but thought that it should be a different discussion. City Manager Linares acknowledged that the back-in parking was an experiment that could be reversed if it didn't work. Mayor Niehaus said that it sounds like the direction to staff is to re-stripe 100 South as pull-in parking. She said that Council will need to have another conversation about parking. She said that the confusion comes from inconsistent parking throughout the City. Councilmembers Derasary and Guzman-Newton asked that staff present a discussion about striping bike lanes in the future. City Engineer Williams explained that it would take a few weeks before the re-striping could be completed in order to allow the asphalt temperature to rise. City Manager Linares requested that City Engineer Williams present a diagram of the possible re-striping to Council prior to moving forward.

New Business

Resolution 01-2020: A Resolution Approving the Two-Mac Minor Subdivision at 1053 Mill Creek Drive, Moab, UT 84532, as Referred to Council by the Planning

Commission:

Discussion: City Assistant Planner Shurtleff was present to answer any questions that the Council might have on this topic. Councilmember Derasary asked for confirmation of the location of the property. City Assistant Planner Shurtleff displayed a satellite photo of the area. Councilmember Knuteson-Boyd requested clarification on the name of the subdivision since the resolution shows "Two-Mac Minor Subdivision" and the application shows "Tri-Mac Subdivision". It was explained that, after the applicant filed the application as Tri-Mac Subdivision, it was discovered that that name already exists; therefore, they had to change it to Two-Mac Minor Subdivision.

Motion and vote: Councilmember Derasary moved to approve the Two-Mac Minor Subdivision Resolution 01-2020. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Resolution 09-2020: A Resolution Approving a Lot Consolidation for 46 E. and 76 E. 300 North:

Discussion: Councilmember Derasary stated that she tried to use the parcel viewer on the City Maps webpage, but that it wasn't accurate. She asked if a different application should be utilized. It was explained that there is an updated ArcGIS map on the City website link. Councilmember Duncan said that he uses an import in Google Earth and inquired if it was up to date. City Engineer Williams said that staff has been updating the KML files on Google Earth and that they will send emails to Council regarding the status of the updates.

Motion and vote: Councilmember Guzman-Newton moved to adopt Resolution 09-2020 approving a lot consolidation for 46 East and 76 East 300 North. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Authorization to Pursue UDOT's approval of Hotspot Funding to Construct Dispersed Parking Facilities at Emma Blvd:

Discussion: Councilmember Guzman-Newton recused herself and left Council Chambers for this discussion. Mayor Niehaus said that this item refers to the \$1.7 million contract for dispersed parking, not the \$8 million contract for the Downtown Parking Structure, which would be discussed on the next agenda item. City Engineer Williams displayed the plat for the Emma Boulevard Dispersed Parking. Mayor Niehaus said that businesses in northern downtown had raised concerns about the expansion of Highway 191 that could result in a loss of parking. The businesses had asked if some of the funding designated for dispersed parking could be used to create parking on Emma Boulevard. It was proposed that, by making it a dead-end street, a parking lot could be created with ingress and egress to the church and nearby businesses. UDOT will allow the City to use Hotspot funding for a small parking lot on Emma Boulevard, but the funding cannot be used to pave the road to access the parking lot from Main Street. Therefore, the City would be committed to the paving and improvement of the road and bike path. There is also a possibility of adding more parking on a road that would connect to Emma Boulevard, but the required improvements would be at the City's expense. Councilmember Jones wanted confirmation that City staff had diligently pursued the possibility of utilizing some of the existing lots in the area of Emma Boulevard. City Engineer Williams confirmed this, saying that staff had sent proposals to the churches in that area. Church managers agreed to the proposals, but their congregations did not. Staff had also asked private property owners, but the owners didn't believe that it would be the best use of their land. Williams explained how this proposal would work. However, the City will need to pave Minnie Lee Avenue from Main Street to Emma Boulevard before UDOT will permit use of the Hotspot funds for a parking lot. The cost for this proposed parking lot would be about \$280,000 that would come out of the \$1.7 million Hotspot funds. Another \$280,000 would be provided by the City for the paving and bike path improvements. This project was included in the Capital Improvements Priority Matrix. Councilmember Derasary asked if traffic circles are still planned between Emma Boulevard and 400 North and/or Maxine Avenue and Emma Boulevard. City Engineer Williams said that he is not aware of a traffic circle for Maxine Avenue and Emma Boulevard; however, the City has been awarded UDOT funding for roundabouts. That funding is through a local government funding program instead of Hotspot funding. Councilmember Derasary said that people have been referencing the parking study and that people won't walk more than 600 feet. She wants to know if the parking spot would benefit the businesses near Emma Boulevard. City Engineer Williams showed Council where the parking is in relation to the businesses in question. He informed Council that the property owners between the parking and Main Street have discussed a pedestrian sidewalk easement for access, but a decision has not been reached. Councilmember Derasary wanted to verify that staff had spoken with everyone that might be impacted, including the school and apartment building. She asked that staff keep the school updated about the project. She also asked if it would be possible to add some oversized parking nearby. She stated that she wants to make sure this will benefit the community. Councilmember Duncan thought Council might be open to criticism that almost \$300,000 would be used to provide a few parking spots. Councilmember Jones felt it was unfortunate that the original plan didn't work out, but he would support this proposal as a fallback to utilize the money and finish out the area in progress. Councilmember Knuteson-Boyd agreed with Councilmember Jones.

Motion and vote: Councilmember Knuteson-Boyd moved to request that staff seek UDOT approval for the proposed use of Hotspot funding if Council concurs with funding the construction of Minnie Lee Avenue. Councilmember Jones seconded the motion. The motion passed 3-1 with Councilmembers Duncan, Knuteson-Boyd and Jones voting aye and Councilmember Derasary voting nay.

Downtown Parking Structure Discussion and Potential Action (Sponsor: Councilmember Duncan):

Discussion: City Manager Linares explained that there were three ways to terminate the agreement with UDOT. One option is that the City and UDOT mutually agree to move out of the agreement. The second option is that, if either party breaches the agreement, then the other party would have the right to terminate it. The third option is that UDOT has the right to terminate the agreement whenever they choose (this is in every UDOT contract and is non-negotiable). Staff had primarily been working towards the first option to exit the contract in a legal format by having a discussion with UDOT to negotiate an exit strategy. Staff wants to work with UDOT to see if the funding can be used elsewhere or if the project description can be altered from what it was proposed to be. City Manager Linares advised that, regardless of what direction Council chooses, it will give staff the ability to negotiate with UDOT about how Council wants to move forward. The Council needs to decide if it should properly exit, continue, or change the contract. This agenda item is sponsored by Councilmember Duncan who took the lead on the discussion. He thanked City Manager Linares for enlightening Council regarding the possibilities. He stated that it would be worthwhile to suspend work with the design contractor while Council discusses the options. Councilmember Duncan wanted to confirm that unspent UDOT funds could be used with UDOT's approval for a different project that improves the Moab traffic pattern. City Manager Linares clarified that two statements were made. First, that Council could suspend the project, and second, if UDOT was approached to alter the project for a different scope. He said that the second option is viable because UDOT could be approached to change the terms if both parties were amenable. Suspending the contract is not a contractual right of the Council and it could create contractual issues in the future. Councilmember Duncan is nervous that, without any contractual arrangements, the money will continue to be spent until there's none left over for other projects. City Manager Linares said that there are some incomplete tasks that must be finished prior to the project's cessation. If the plan is to change the scope, then staff wants to save as much money as possible to proceed in a new direction. Mayor Niehaus said that it would be helpful to get some facts out on the table, such as the project timeline and when Council will view the design. She said that it might present a place for a natural pause in the timeline process. Councilmember Knuteson-Boyd suggested that it would behoove Council to have a workshop on the issue. She said that she wasn't ready to suspend or stop anything since she hasn't reviewed all the data yet. She said that it will require a more in-depth discussion than the time allows in this meeting. She also stated that there was a lot of misinformation regarding this subject and she wanted to clarify a couple of items. One was the parking study did not say that the parking structure was unnecessary. The study said that parking is sufficient or ample for the current needs. One of the study's recommendations was that the City proceed with the parking structure. It doesn't say that the parking structure will solve every problem; it is only one recommendation among many. Mayor Niehaus tried to get confirmation from the Design Advisory Committee (DAC) because it feels like there isn't consensus among the DAC. She would like the opportunity to see the design in a workshop format with Council and the DAC to promote open discussion. She had written down several things from the citizen comments that she would like to discuss, and they need to think at least 10-20 years down the road. She felt that a conversation is needed about where business owners, employees, and tourists are currently parking. Councilmember Jones clarified that the DAC was not tasked with whether the project should happen; the DAC was directed to discuss the design features. He noted that the structure is being designed with adherence to the code. It meets the same standards that the Hoodoo and Homewood Suites met. The parking structure would be in the middle of the block and would be hidden as the block develops. He said that, while there may be concerns about visuals in the short term, ultimately, it's going to be surrounded by other buildings, many of which do not provide on-site parking. So, it doesn't just benefit one landowner; it potentially benefits many landowners especially if they choose to develop in the mixed-use modality. While he was concerned about the operating budget he was still in support of the project. Mayor Niehaus stated that there will continue to be discussion regarding a bypass as well

as other parking areas. She said that Council should keep in mind that this is only one project. She also said that UDOT is a good partner and that they listened when the City approached them. This project is what resulted and UDOT will continue to listen. She would like to continue working on the bypass and identify other project areas where the City can increase additional parking opportunities. Councilmember Jones agreed and noted that there is a transportation plan for the valley that is bigger than this parking structure. He is hopeful that it will provide a basis for future funding opportunities beyond parking and could be a precursor for the transportation plan. Mayor Niehaus reminded Council that UDOT is funding the regional transportation plan and the rail study. UDOT has also encouraged Senator Anderegg to sponsor the bill that is currently at the State Legislature. She encouraged Council to look to the future. She talked about obtaining a coder to develop an application that shows parking places for RV's and other vehicles. Councilmember Derasary asked where the cost of the project was currently and if it was over \$8.3 million. She also asked what the City will be responsible for in both the short-term and long-term. She wants input from the Finance Director regarding the City budget and where this project falls. She asked City Manager Linares about meeting with UDOT soon to discuss the matter. He responded that it is an unnecessary step which could cause damage. She requested clarification because the agreement said that the parking structure would have an underground level with three levels aboveground, but now there's a possibility that the structure can't go underground. City Manager Linares said that ventilation is an issue with underground parking, and it becomes extremely expensive. Therefore, the structure will only be partially underground. Councilmember Jones said that the roof deck is considered a fourth story. Councilmember Derasary questioned the project exceeding code because it is 42 feet at the parapet with the potential perception of being higher with cars parked on the top level. City Manager Linares said that, when the City builds a structure, they must abide by the zoning rules. There are buildings in the area that are 42 feet. Councilmember Derasary said that, if they had a follow-up meeting with UDOT, she would inquire about the possibility of a two-story structure and if that would decrease the cost. Some business owners stated that, for equanimity, they could add a level to the Moab Information Center parking lot. City Manager Linares said that those ideas would be needed when having a discussion with UDOT. Councilmember Derasary wanted to make sure that a meeting with UDOT, if it occurred, would be open to the public. She requested clarity on the sustainability of the project, the cost and justification per stall, and what the project would cost the City over time. Council-member Guzman-Newton expressed concern about building constraint issues, the tight timeline that the City has, and the project management contract and expenses. She read in the newspaper that the project was now at \$10,000,000 with an operational budget of \$125,000 per year that would be the City's responsibility. She also said that the DAC has been discussing aesthetics more than anything else. She also wants to ensure that the project is equitable for everyone. She believes that they need to pause and discuss what the project will cost. Councilmember Duncan noted that UDOT has previously discussed removing Main Street parking due to public safety. The primary purpose of the Downtown Parking Garage was to make up for the loss of parking on Main Street. His concern is that, by building the parking structure, it will give UDOT license to remove parking from Main Street. Mayor Niehaus said that is not UDOT's intention; the partnership with UDOT has a level of respect. Ryan Anderson of UDOT was invited to join the conversation. Anderson felt that this needed to be discussed in a workshop; however, he would address some of the questions that were presented. He addressed the reallocation of funds first. He stated that the contract was clear that the number of stalls were undetermined until a geotechnical investigation for design provided information. Prior to having an agreement with the City, UDOT didn't go into that depth of investigation. Therefore, UDOT specified in the contract that determining how many levels would be feasible would dictate the number of stalls. He said that, if the funds weren't being used for the intended purpose, the funds would return to the Transportation Commission. He said that he did not want that to be conceived as a threat. The funding is not intended to be a comprehensive solution to all of Moab's problems. Anderson also clarified that the City could re-approach the Transportation Commission to receive funding for a different project. He stated that it is not UDOT's decision, because it is legislative funding that UDOT oversees

administering. The agreement between Moab City and UDOT was that the City would take those funds and build a parking structure since UDOT does not build them. UDOT's mission is to find innovative transportation solutions that enhance Utah's economy and quality of life. He didn't want Council to feel as if UDOT is forcing a parking structure to happen. However, he felt that the parking issue in Moab was underplayed and the other solutions were oversimplified. He said that dispersed parking is a good solution since ground-level parking is cheaper. However, he had not seen a lot of local interest in selling or donating land for that type of use. He said that the parking structure project would be the best use of the property that is available. He appreciates the Council's understanding that this solution was never intended to be a complete solution for Moab's parking needs. He also clarified the comment regarding the preservation of Main Street parking. He stated that there was no connected action between the parking structure and Main Street parking. He wants to be clear that he can't commit UDOT to always permit parking on the UDOT right-of-way, which is primarily intended for transportation. He doesn't believe that he committed to a lifetime of parking on Main Street. He hopes that UDOT's demonstration of the partnership with Moab City shows that they want to make communities better. UDOT would never make such a decision without Council consultation. Councilmember Guzman-Newton asked if the scope could be changed to two levels. She further inquired that if there were funds left over, could that change the scope enough that they could use the money for dispersed parking. Anderson said that would come back to the price per stall. Restrictions placed on the parking structure will decrease the number of stalls, but it may not decrease the overall cost. Building a parking structure larger or taller isn't that much of a price increase. He said that UDOT has asked the consultants in charge of design to build as many stalls as feasible within the budget, footprint, and parameters permitted. He believes that it would be unwise to enter this project with low budget estimates, because it's better to have more realistic numbers. Councilmember Guzman-Newton asked if all the \$10,000,000 could be redirected towards dispersed parking instead of a parking structure. Andrew believed that a lot of the funding would go to the right-of-way. Currently, most of the funding is going to infrastructure. Mayor Niehaus asked if the Hotspot funding was an annual decision. Anderson said that this was the first occurrence of Hotspot funding, and he's unaware of any future plans to do anything further. Mayor Niehaus asked if the Transportation Commission and UDOT would continue to be partners in additional future projects. Anderson said that the Transportation Commission has been very supportive of the City's proposals, but he doesn't know what the future will bring. He said that the parking structure is a great project in terms of planning for the future. He stated that it would be the start of the community's transportation planning since he doesn't foresee a reduction in parking anytime soon. He doesn't believe that the current use of the parking lot is a good indicator of the parking structure's future use. He stated that many people aren't even aware of the parking lot, because there isn't a lot of direction advising people to park there. Council scheduled a workshop with the Parking Structure Design Advisory Committee (DAC) and UDOT on February 18, 2020 from 4:00 PM to 6:00 PM.

Consideration, discussion and decision on whether the City of Moab shall impose 0.1% sales and use tax to fund cultural facilities, recreational facilities, and zoological facilities and botanical organizations, cultural organizations, and zoological organizations in the City (RAP Tax):

Consideration, discussion and decision: City Manager Linares explained that staff was proposing that the City put forward a 0.1% Recreation, Arts, and Parks (RAP) Tax before the citizenry for approval. State Code requires that the City give notice to the County beforehand. The RAP Tax is paid at the point of sale, and it amounts to one penny for every \$10 spent on non-food items, which boils down to a tourist tax. RAP Tax is the last tourist tax that can be implemented by the City. The City will prepare a website about the RAP Tax and all the available information would go on that website. Some examples of the what the RAP Tax could be used for are: Moab Recreation and Aquatic Center (such as expanding the pool), Moab Arts and Recreation Center, Center Street Gym, and new arts facilities. The City wants to use the funds to support the programs that are currently provided. The tax

could potentially generate \$200,000-\$400,000 per year.

Motion and vote: Councilmember Duncan moved to submit an opinion question to the residents of the City of Moab for their opinions on the imposition of a local sales and use tax of 0.1% located within the City to fund cultural facilities, recreational facilities and zoological facilities and botanical organizations, cultural organizations and zoological organization may be considered and to provide the proper notice of intent to Grand County. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Duncan, Derasary, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Approval of Bills Against the City of Moab:

Discussion: The Amazon expenditure had increased slightly. Councilmember Knuteson-Boyd checked the items that she is certain could have been obtained locally. She will provide the list to City Manager Linares who will follow up on it.

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$144,222.73. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting aye.

Adjournment: Councilmember Jones moved to adjourn. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Derasary, Knuteson-Boyd and Guzman-Newton voting aye. The meeting was adjourned at 10:25 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder

WHY CANCEL THE DOWNTOWN PARKING STRUCTURE?

- Let's first review 2017 UDOT Arches Hotspot \$10M Program
 - Who sat on committee that created it?
 - Two City Council members
 - Two County Council member
 - City staff
 - Two downtown business owners with property near DPS
 - What's happened so far?
- What do we want a future downtown Moab to look like?
- To that end, what would be a better use of Hotspot funds?



So how goes the 2017 UDOT Arches Hotspot \$10M program?

- Not particularly well so far
- The first two priorities (Bypass & Main St) never happened
- The third priority (Downtown Parking Structure) consumes most funding
- Remaining possible expansions mired in land owner concerns
- Remaining priorities not funded



PRIORITY #1 – THE BYPASS.

- Hotspot funding provided a conceptual study (only)
- Due to excessive cost and time line,
 - no further consideration under Hotspot funding
- Interest nonetheless remains

Priority #2 - Main Street Improvements

- UDOT owns Main Street
- Pulling Main St. parking (320 cars) overwhelmingly rejected by merchants
- If future garage replaces lost parking:
 - It's an incentive to possibly pull on-street parking



Priority #4 - East Parking Structure

- This is the MIC lot.
- Not funded

Priority #8 – South Rec Parking

- Near 191 S of town
- < 100 oversize vehicles, loc undefined
- Not funded

Priority #9 -North Rec Parking

- Near 191 N of town
- < 100 oversize vehicles, loc undefined
- Not funded

Priority #10 - Bike Share

- Public owned rent-a- (e-) bike station(s)
- Loc's not defined
- Not funded

Priority #11 - Kane Creek Blvd

- Widen the 3 mi portion S and W of 500W
- Not funded



Priority #6 – (Downtown) Dispersed Parking

- \$1.7M allocated
- A work in progress



It's a great time to visualize the future

- What do we want our town to look like in years to come?
 - What visitors and residents say is “Like it used to be”
 - Funky, rural, small, uncrowded
 - See our spectacular rim



Is the town in danger of becoming -

- The urban area visitors and residents left to come here?
- Stop and go traffic
- Too commercialized
- Too many people
- High rise buildings that block the view
- Can't find a place to park



Everything is a trade

- You can't go around Moab
- We have choices!
- Quantity or Quality?



Priority #3 - West (Downtown) Parking Structure

- Intended to replace 320 lost Main St. parking that didn't happen.
 - Provides only 250 spots
- At \$7.5 or \$8.3 or \$10M, it consumes the vast bulk of \$10M Hotspot funding
- Grown for cost reasons to four stories above ground, 42' high, blocks viewshed
- A boon for a few businesses within 600' , little for all others.
- The underlying lot is rarely full
 - Likely to be a loss center whether paid parking or free
- Can't accommodate over-size (long) vehicles
- Requires signing for motorists to find
- Located in an already congested area



IF NOT A PARKING GARAGE, THEN WHAT?

- A lot of ideas have been brainstormed – this is healthy
 - Nothing is set in stone, nothing decided
 - Collaborative effort with wide public participation
- Two concepts are widely supported that have synergy with each other
 - Widely dispersed parking
 - Critically needed for oversized vehicles
 - A regional (valley-wide) transportation system
 - Has been advocated and discussed for years
- Both concepts distribute public funds over a broad region
- We have 6 months to create concepts and an operating plan
- This is a higher and better use than a single parking garage

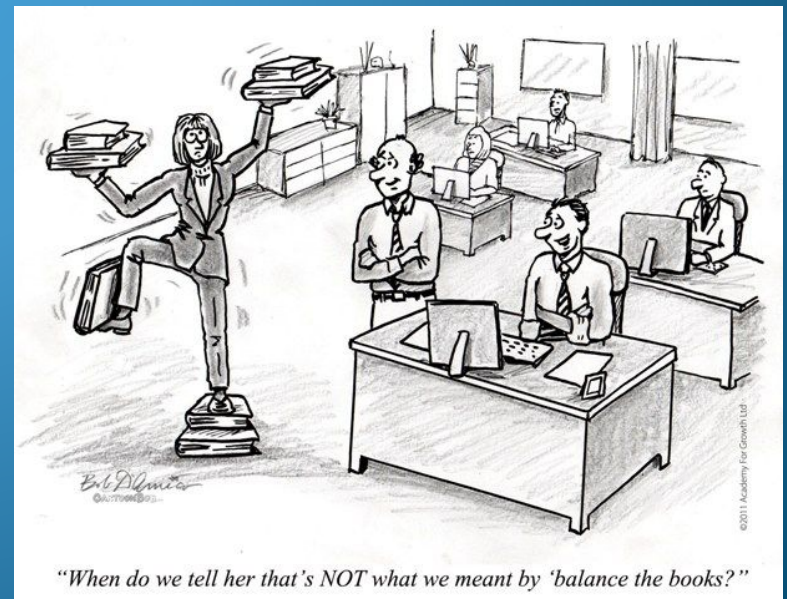
How to encourage shuttle use?

- They *won't* if it's easy to drive & park for free
- They *will* if:
 - It's congested, and the shuttle can get them downtown quicker
 - If it's free and downtown parking isn't
 - If it runs frequently, or
 - If it can be called and arrive quickly
 - If it's fun, can see something new
 - If it introduces them to cool, environmentally clean transportation, eg electric vehicles, bikes



How to operate a shuttle system for what we can afford?

- Keep expenses under control
 - For visitors:
 - Run it only during high season
 - Run it only in benign spring/summer/fall weather
 - For residents
 - Make annual pass affordable
- Find revenue sources
 - Hotels contribute in lieu of private shuttle(s)
 - Solicit other funding sources – ie TRT, state, federal grants
 - If parking meters used, divert some fraction to shuttle



RESOLUTION NO. 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 HOPSPOT FUNDING

WHEREAS the primary need for the Downtown Parking Structure as identified in the 2017 UDOT Region 4 Arches Hotspot Study was to replace on-street parking lost as part of Main Street Improvements, but that those Improvements were rejected by residents and Council who objected to loss of on-street parking; and

WHEREAS the solution to Moab's congested Main Street can hardly be improved by drawing more vehicles to downtown, the intent of DPS; and

WHEREAS the DPS, according to the Downtown Parking Study, primarily benefits businesses within 600 feet of the structure, that is a limited number of businesses, and thus is a poorer use of public funds than dispersed parking or a regional shuttle which benefits a broader number of businesses; and

WHEREAS DPS design has changed significantly from its original less-intrusive partially buried bottom floor and two additional stories, to an imposing and view-shed blocking four story structure of 42 feet including its roof parapets; and

WHEREAS the DPS, still early in its design phase, has already incurred significant cost overruns forcing the adoption of structural construction techniques that trade lower construction cost for increased maintenance cost during its life; and

WHEREAS the DPS will incur significantly higher maintenance cost than the existing surface lot, with poor prospects for offsetting revenue whether it charges for parking or not, since according to the Downtown Parking Study the lot is often under-utilized; and

WHEREAS the DPS cannot accommodate over-sized vehicles, a critical parking need; and

WHEREAS UDOT is receptive to the redirection of Hotspot funding as long as their goals of reduction of congestion, increased economic development and increased tourism opportunity can reasonably be expected to occur; and

WHEREAS an alternate use of DPS funds has been identified that satisfies the above criteria, namely a regional or valley-wide shuttle system that encourages visitors to leave their cars at their hotel and residents to leave their cars at home;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Moab, Utah that:

- 1) City Council direct the City Manager to issue a “stop work” order to Kimley-Horn in order to cease work on design for the DPS;
- 2) City Council direct the City Manager to negotiate the termination of the Cooperative Agreement with UDOT, dated 22 July, 2019, in a way that minimizes legal and financial risk to the City;
- 3) When the termination of the Cooperative Agreement is executed, the City Council direct the City Manager to terminate the City’s consulting services agreement with Kimley-Horn dated 24 October, 2019;.
- 4) City Council coordinate with Grand County Council to form the “Arches Hotspot Region Coordinating Committee,” with council members from each governing body. This committee shall determine staff assistance on an as-needed basis as well as assistance from existing city or county committees. 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.
- 5) Council elect two members from Council membership to serve on the Arches Hotspot Region Coordinating Committee.

MAYOR ATTEST: Emily S. Niehaus _____

CITY RECORDER Sommar Johnson _____

Moab City Council Agenda Item

Meeting Date: March 15, 2020

Title: Cancelling Design and Construction of the Downtown Parking Structure

Submitted: March 4, 2020

Presenter(s): Karen Guzman-Newton and Mike Duncan, Councilmembers

Attachments:

- A presentation for Council, staff and public hearing audience discussing relevant issues
- RESOLUTION NO. xx-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 HOPSPOT FUNDING

Recommended Motion: Approve. This item is scheduled for public hearing at the regular City Council meeting March 10, 2020. A vote is scheduled for that meeting subsequent to the public hearing.

Background/Summary:

In 2017, UDOT issued \$10M of “Hotspot” (areas impacted by recreation and tourism activity) funding to Moab for transportation improvements. In late 2017 a committee of business people and local government officials proposed a Downtown Parking Structure (DPS). \$8.3M was scheduled for its design and construction. In late Oct 2019, the City entered a \$850K contract for DPS design with Kimley-Horn, a design consultant. At this time, a minority of those contract funds have been spent for on-going design.

Since that time, dissatisfaction with DPS has grown even as its design has progressed: loss of original motivation (to replace Main St. parking), a reduction in number of parking stalls provided, an inability to accommodate over-sized vehicles, a growth in height blocking the viewshed, cost overruns, changes in structural design to lower construction cost at the expense of higher future maintenance costs, complaints that it would not help Main St. congestion and complaints that its localized nature provided singular benefits to a few businesses rather than a broad spectrum of the community.

For these reasons, and the observation that the great bulk of Hotspot funds remain unspent and that UDOT is receptive to alternative uses as long as they meet the Hotspot funding criteria, alternative uses of DPS funds have recently been suggested: namely a regional transit/shuttle/

/bus system which incorporates dispersed surface parking lots (a goal of the original Hotspot study).

This resolution directs staff to stop Kimley-Horn work, then terminate the UDOT and Kimley-Horn contracts in a manner that minimizes financial risk to the city.

The resolution also creates a city/county board which serves as a point of contact with UDOT for purposes of the Hotspot Funding Program.

RESOLUTION NO. 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 HOPSPOT FUNDING

WHEREAS the primary need for the Downtown Parking Structure as identified in the 2017 UDOT Region 4 Arches Hotspot Study was to replace on-street parking lost as part of Main Street Improvements, but that those Improvements were rejected by residents and Council who objected to loss of on-street parking; and

WHEREAS the solution to Moab's congested Main Street can hardly be improved by drawing more vehicles to downtown, the intent of DPS; and

WHEREAS the DPS, according to the Downtown Parking Study, primarily benefits businesses within 600 feet of the structure, that is a limited number of businesses, and thus is a poorer use of public funds than dispersed parking or a regional shuttle which benefits a broader number of businesses; and

WHEREAS DPS design has changed significantly from its original less-intrusive partially buried bottom floor and two additional stories, to an imposing and view-shed blocking four story structure of 42 feet including its roof parapets; and

WHEREAS the DPS, still early in its design phase, has already incurred significant cost overruns forcing the adoption of structural construction techniques that trade lower construction cost for increased maintenance cost during its life; and

WHEREAS the DPS will incur significantly higher maintenance cost than the existing surface lot, with poor prospects for offsetting revenue whether it charges for parking or not, since according to the Downtown Parking Study the lot is often under-utilized; and

WHEREAS the DPS cannot accommodate over-sized vehicles, a critical parking need; and

WHEREAS UDOT is receptive to the redirection of Hotspot funding as long as their goals of reduction of congestion, increased economic development and increased tourism opportunity can reasonably be expected to occur; and

WHEREAS an alternate use of DPS funds has been identified that satisfies the above criteria, namely a regional or valley-wide shuttle system that encourages visitors to leave their cars at their hotel and residents to leave their cars at home;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Moab, Utah that:

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- 3) When the termination of the Cooperative Agreement is executed, the City Council direct the City Manager to terminate the City’s consulting services agreement with Kimley-Horn dated 24 October, 2019;.
- 4) City Council coordinate with Grand County Council to form the “Arches Hotspot Region Coordinating Committee,” with council members from each governing body. This committee shall determine staff assistance on an as-needed basis as well as assistance from existing city or county committees. 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.
- 5) Council elect two members from Council membership to serve on the Arches Hotspot Region Coordinating Committee.

MAYOR ATTEST: Emily S. Niehaus _____

CITY RECORDER Sommar Johnson _____



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

March 2, 2020

City of Moab
217 East Center Street
Moab, UT 84532

Mayor Neihaus:

SUBJECT: Recreational Hotspot Funding

The Transportation Commission and UDOT understand there are challenges when developing project(s) that meet the criteria of the Hotspot Funding and garner the support of the community and local leadership. UDOT and the Transportation Commission want all parties to be successful in any project that is carried forward.

UDOT and the Transportation Commission support a collaborative process to define a project that meets the requirements of the Recreation Hotspot funding and has consensus support from the community and local officials. We understand there have been questions regarding time frame for delivering a hotspot project and would like to offer additional time of up to six months to work through the project selection process. Please work towards the goal of having a project defined by September 1, 2020. The Region 4 leadership and staff are eager to offer technical assistance to help move the process forward.

For clarity, following are the requirements of the Recreation Hotspot funding from Senate Bill 277:

(b) \$100,000,000 to be used by the Department of Transportation for transportation improvements as prioritized by the Transportation Commission for projects that: (i) have a significant economic development impact associated with recreation and tourism within the state; and (ii) address significant needs for congestion mitigation.

Please do not hesitate to contact me if you have further questions.

Sincerely,

Monte E. Aldridge
Deputy Director, UDOT Region Four

MA/RT/jg

Moab City Council Agenda Item

Meeting Date: March 10, 2020

Title: Suspending Design of the Downtown Transportation Hub and Reconsidering Hotspot Project Priorities

Submitted: March 5, 2020

Submitter: Kalen Jones, Councilmember

Attachments:

- RESOLUTION NO. 17-2020, A RESOLUTION SUSPENDING DESIGN OF THE DOWNTOWN TRANSPORTATION HUB AND CONSIDERING ALTERNATIVE USES OF THE HOTSPOT FUNDING

Recommended Motion: I move to approve Resolution No. 17-2020, A Resolution Suspending Design of the Downtown Transportation Hub and Considering Alternative Uses of the Hotspot Funding.

Background/Summary:

In 2017, UDOT was tasked with administering the distribution of \$100M of “Hotspot” funding to areas with significant congestion related to recreation and tourism activity, for transportation improvements which met the three broad goals set by the Utah Legislature of congestion reduction, improved recreation access, and economic development, and which would be awarded via a competitive process. UDOT allocated \$150,000 and staff time to support a process in the Moab area to identify capital projects which would score well in more detailed criteria established by UDOT, be deliverable within a reasonable time frame, and meet local interests. UDOT hired consultants to assist in project development, feasibility analysis, and cost estimating, and convened a local stakeholder group consisting of elected officials and staff from Moab City and Grand County, members of the public, and UDOT staff and consultants. The stakeholder group identified a range of possible projects which were scored relative to more granular criteria descending from the broad goals set by the legislature. The most viable projects for the Hotspot criteria were determined to be one or more parking structures in downtown Moab, more efficient use of existing surface parking lots (“dispersed parking”) serving other areas and additional vehicle types, and 191/Main St. improvements to increase pedestrian safety and calm traffic..

\$10M was awarded to Moab for these projects, the majority for the design and construction of the downtown parking structure, recently rebranded as the Downtown Transportation Hub (DTH). On May 14, 2019, the Moab City Council adopted the Moab Parking Management Study which showed that the downtown block in which the existing City Parking Lot exists, parking demand often nears and exceeds supply. This lot was determined to be the most suitable for vertical expansion via a parking structure. On May 28, 2020, the City Council approved a Cooperative Agreement with UDOT for the design and construction of the Downtown

Transportation Hub. In October 2019, the City Council approved a contract with Kimley-Horn and Associates, Inc, for DTH design. Kimley-Horn has worked through several design iterations to develop a design which balances raw parking capacity with site constraints, Moab City zoning code including height limits, non-parking needs such as bathrooms and transit connections, higher vehicle heights, aesthetics, sustainability, and connections with adjacent properties.. They have worked closely with city staff and consulted repeatedly with a Design Advisory Committee consisting of city officials, staff, business owners and public. The most recent construction cost estimates project that the DTH can be built in budget. A preliminary operations and maintenance budget indicates that the DTH can break even, or generate revenue. Approximately \$250,000 has been spent on design.

Moab City, Grand County, and UDOT have recently begun a one of several transportation planning efforts. As currently conceived, a Regional Transportation Planning process which is underway would be the first, which will support a Joint City-County Transportation Master Plan, and finally a Transit Study and Design. While planning has begun, the planning sequencing is not fixed and might be reprioritized. These planning efforts are hoped to support successful grant applications for other transportation system components, possibly including a FTA grant for electric buses, other federal grants for transit capital and operating expenses, and a transit tax.

Recently, and despite the many public meetings and decisions that have occurred, concern that the DTH is not an optimal use of Hotspot funds has grown. Specifically, building additional vehicle capacity may create short-term benefits, but supporting the continued use of private vehicles may ultimately result in an increase in vehicle use and subsequent congestion. Other projects which support a reduction in downtown vehicle trips may better meet goals. UDOT has indicated that it would consider the reallocation of the funds originally allocated for the DTH, as long as alternative project(s) meet the Hotspot funding criteria. While the current design of the DTH has evolved to address community needs beyond parking, pausing the design to allow other elements of transportation and transit design and funding to be developed would allow the decision to cancel the DTH, proceed, or modify its program to better integrate into a broader transportation vision, to be made with much more knowledge.

This resolution directs staff to suspend the Kimley-Horn contract, and facilitate a process to expediently develop alternative projects, seek from UDOT clarity on the scoring criteria that would be used for alternative projects, seek Hotspot funding for alternative projects, evaluate prioritization of transit in current transportation planning, and improve Hotspot project transparency.

**RESOLUTION NO. 17-2020, A RESOLUTION SUSPENDING DESIGN OF THE
DOWNTOWN TRANSPORTATION HUB AND CONSIDERING ALTERNATIVE USES
OF THE HOTSPOT FUNDING**

WHEREAS, significant investments have been made in delivering a Downtown Transportation Hub (DTH)/parking structure as supported by the Moab Parking Management Study and state funding; and

WHEREAS, building private vehicle capacity, including parking ,does not always lead to congestion reduction, and capital projects other than the DTH may result in better long term satisfaction of Hotspot program goals and community priorities; and

WHEREAS, UDOT is willing to consider the reallocation of Hotspot funding for other projects which meet the original goals of reduction of congestion, increased economic development, and increased recreation and tourism opportunities; and

WHEREAS, developing a project proposal which is fundable, and meets the goals of the State and community, and whose operating expenses are affordable and commensurate with the benefits delivered will require significant professional support beyond what volunteers and local government staff can provide; and

WHEREAS, Moab City is currently partnering with Grand County and UDOT on a series of comprehensive transportation planning efforts, and is committed to improving transportation throughout Spanish Valley including Moab City, but as currently sequenced the transit component will not be complete until well after the Hotspot funding opportunity is past; and;

WHEREAS, non-Hotspot grant programs exist to support the capital and operational expenses of transit, and competitive proposals for such must be supported by quality studies; and

WHEREAS, meetings of UDOT staff and local advisory bodies convened by UDOT, are not subject to the conditions of Utah Open and Public Meetings Act; and

WHEREAS, on May 1 2018, Grand County formally convened the “Ad Hoc Moab Transit Authority study committee,” but in the following twenty-two months has failed to support it via meeting noticing, minute recordation, publication of such records; and

WHEREAS, Moab City Officials and residents value government transparency, and Moab City is committed and capable of providing meeting noticing and record keeping facilitating that, as well as other public engagement tools; and

WHEREAS, given a UDOT project may fall either entirely within or without Moab City

limits, or include both Moab City and Grand County; and

WHEREAS, Moab City has an interest in cooperating with Grand County to deliver services to their shared constituents more efficiently, Moab elected officials are accountable first and foremost to the citizens within their jurisdictional boundary, and Moab officials desire to cooperate with the County on projects which include both their areas, and retain the authority over projects entirely within City limits; and

WHEREAS, the Moab City Council believes that, despite the previous investments of time, money, goodwill, public process, and commitments made, on balance the interests of Moab and the satisfaction of the Hotspot criteria may be better served by project(s) other than the Downtown Transportation Hub.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOAB, UTAH that:

1. City staff negotiate a suspension of work for up to six months with Kimley-Horn with the intent of minimizing financial liability to the City and UDOT; preserve the funding, contracts, work product value, and relationships established thus far, while other potential Hotspot projects are explored.
2. City staff shall seek clarity from UDOT regarding the measures by which alternative projects will be evaluated to meet Hotspot criteria, and submittal requirements.
3. City Staff shall engage with 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.
4. City Staff shall procure a consultant to assist the City and stakeholders in developing other proposals for Hotspot funding, including but not limited to transit, and multi-use path expansion. Scope of Work may be informed by UDOT alternate project submittal standards and ranking criteria.
5. City Staff shall negotiate a cost and staff sharing agreement with Grand County for the resources necessary to sufficiently develop alternatives (including the item 2) consultant. City Staff shall negotiate an MOU with Grand County outlining allocation of operational expenses and revenues for new programs proposed for Hotspot funding which span jurisdictional boundaries. If such agreements are not ratified by both Councils by May 10, at the discretion of the City Council either a) the City shall pursue development of alternative Hotspot projects within city limits without involvement of Grand County government or stakeholders, OR b) the Kimley-Horn design work shall resume.
6. Transparency and public involvement shall be prioritized in the definition of alternative projects. A Hotspot alternative development stakeholder committee shall be convened by Moab City by resolution or ordinance, with clarity as to appointing authority, membership, organization, purpose, and expiration date. Moab City shall provide noticing and record

keeping in compliance with OPMA. City staff shall consult with Council on other public engagement tools for this process.

PASSED AND ADOPTED in open Council by a majority vote of the Governing Body of the City of Moab this 10th day of March, 2020.

SIGNED:

Emily S. Niehaus, Mayor

ATTEST:

Sommar Johnson, City Recorder

Moab City Council Agenda Item

Meeting Date: ~~February 25~~March 10, 2020

Title: ~~Cancelling Suspending Design and Construction~~ of the Downtown ~~Parking Structure~~Transportation Hub and Reconsidering Hotspot Project Priorities

Submitted: ~~February 18~~March 5, 2020

Presenter(s/Submitter): ~~Karen Guzman Newton and Mike Duncan~~Kalen Jones, Councilmembers

Attachments:

- RESOLUTION NO. ~~17xx~~-2020, A RESOLUTION ~~CANCELLING SUSPENDING DESIGN AND CONSTRUCTION OF THE DOWNTOWN PARKING STRUCTURE TRANSPORTATION HUB AND CONSIDERING ALTERNATIVE USES OF THE HOTSPOT FUNDING~~

Recommended Motion: ~~None at this time. This item is scheduled for public hearing at a regular City Council meeting March 10, 2020. A vote may be scheduled for that meeting subsequent to the public hearing. Its presentation at this time is for discussion only. I move to approve Resolution No. 17xx-2020, A Resolution Suspending Design of the Downtown Transportation Hub and Considering Alternative Uses of the Hotspot Funding.~~

Background/Summary:

In 2017, UDOT ~~was tasked with administering the distribution of \$100~~issued \$10M of “Hotspot” (areas impacted by recreation and tourism activity) ~~funding to Moab areas with significant congestion related to recreation and tourism activity, for transportation improvements which met the three broad goals set by the Utah Legislature of congestion reduction, improved recreation access, and economic development, and which would be awarded via a competitive process. UDOT allocated \$150,000 and staff time to support a process in the Moab area to identify capital projects which would score well in more detailed criteria established by UDOT, be deliverable within a reasonable time frame, and meet local interests. UDOT hired consultants to assist in project development, feasibility analysis, and cost estimating, and convened a local stakeholder group consisting of elected officials and staff from Moab City and Grand County, members of the public, and UDOT staff and consultants. The stakeholder group identified a range of possible projects which were scored relative to more granular criteria descending from the broad goals set by the legislature. The most viable projects for the Hotspot criteria were determined to be one or more parking structures in downtown Moab, more efficient use of existing surface parking lots (“dispersed parking”) serving other areas and additional vehicle types, and 191/Main St. improvements to increase pedestrian safety and calm traffic.~~In late 2017 a committee of business people and local government officials proposed a Downtown Parking Structure (DPS).

\$10M was awarded to Moab for these projects, the majority for \$8.3M was scheduled for its the design and construction of the downtown parking structure, recently rebranded as the Downtown Transportation Hub (DTH). On May 14, 2019, the Moab City Council adopted the Moab Parking

Management Study which showed that the downtown block in which the existing City Parking Lot exists, parking demand often nears and exceeds supply. This lot was determined to be the most suitable for vertical expansion via a parking structure. On May 28, 2020, the City Council approved a Cooperative Agreement with UDOT for the design and construction of the Downtown Transportation Hub. In late October 2019, the City Council approved a \$850K contract with Kimley-Horn and Associates, Inc. for DPS-DTH design. Kimley-Horn has worked through several design iterations to develop a design which balances raw parking capacity with site constraints, Moab City zoning code including height limits, non-parking needs such as bathrooms and transit connections, higher vehicle heights, aesthetics, sustainability, and connections with adjacent properties. They have worked closely with city staff and consulted repeatedly with a Design Advisory Committee consisting of city officials, staff, business owners and public. The most recent construction cost estimates project that the DTH can be built in budget. A preliminary operations and maintenance budget indicates that the DTH can break even, or generate revenue. At this time, a minority of those contract funds have been spent for on-going design.

Moab City, Grand County, and UDOT have recently begun a one of several transportation planning efforts. As currently conceived, a Regional Transportation Planning process which is underway would be the first, which will support a Joint City-County Transportation Master Plan, and finally a Transit Study and Design. While planning has begun, the planning sequencing is not fixed and might be reprioritized. These planning efforts are hoped to support successful grant applications for other transportation system components, possibly including a FTA grant for electric buses, other federal grants for transit capital and operating expenses, and a transit tax.

Recently, and despite the many public meetings and decisions that have occurred for a variety of reasons, dissatisfaction with, concern that the DTH is not an optimal use of Hotspot funds has grown. Specifically, building additional vehicle capacity may create short-term benefits, but supporting the continued use of private vehicles may ultimately result in an increase in vehicle use and subsequent congestion. Other projects which support a reduction in downtown vehicle trips may better meet goals. UDOT has indicated that it would consider the reallocation of the funds originally allocated for the DTH. DPS has grown even as its design has progressed: loss of original motivation (to replace Main St. parking), a reduction in number of parking stalls provided, an inability to accommodate over-sized vehicles, cost overruns, changes in structural design which lower construction cost at the expense of higher future maintenance costs, complaints that it would not help Main St. congestion and complaints that its localized nature provided singular benefits to a few businesses rather than a broad spectrum of the community.

For these reasons, and the observation that the great bulk of Hotspot funds remain unspent and that UDOT is receptive to alternative uses, as long as they alternative project(s) meet the Hotspot funding criteria, alternative uses of DPS funds have recently been suggested: namely a regional shuttle/transit/bus system and/or dispersed surface parking lots (a goal of the original

Hotspot study) located N or S of downtown. While the current design of the DTH has evolved to address community needs beyond parking, pausing the design to allow other elements of transportation and transit design and funding to be developed would allow the decision to cancel the DTH, proceed, or modify its program to better integrate into a broader transportation vision, to be made with much more knowledge.

This resolution directs staff to ~~cancel~~ suspend the Kimley-Horn contract. ~~It also initiates the process of creating a viable shuttle/transit/bus system, possibly including dispersed surface parking lots,~~ and facilitate a process to expediently develop alternative projects, seek from UDOT clarity on the scoring criteria that would be used for alternative projects, seek Hotspot funding for alternative projects, evaluate prioritization of transit in current transportation planning, and improve Hotspot project transparency.

**RESOLUTION NO. 17-2020, A RESOLUTION SUSPENDING DESIGN OF THE
DOWNTOWN TRANSPORTATION HUB AND CONSIDERING ALTERNATIVE USES
OF THE HOTSPOT FUNDING**

~~*WHEREAS,* tsSignificant investments have been made in delivering a Downtown Transportation Hub (DTH)/parking structure as supported by the Moab Parking Management Study and state funding.; andhe primary need for DPS as identified in the 2017 UDOT Region 4 Arches Hotspot Study was to replace on-street parking lost as part of Main Street Improvements, but that those Improvements were rejected by residents and Council who objected to loss of on-street parking;~~

~~*WHEREAS,* thebBuilding private vehicle capacity, including parking ,does not always lead to congestion reduction, -and capital projects other than the DTH may result in better long term satisfaction of Hotspot program goals and community priorities,; andolution to Moab's congested Main St. can hardly be improved by drawing more vehicles to downtown, -the intent of DPS;~~

~~*WHEREAS,* -UDOT is willing to consider the reallocation of Hotspot funding for other projects which meet the original goals of reduction of congestion, increased economic development, and increased recreation and tourism opportunities; andal-~~

~~*WHEREAS,* -dDeveloping a project proposal which is fundable, and meets the goals of the State and community, and whose operating expenses are affordable and commensurate with the benefits delivered will require significant professional support beyond what volunteers and local government staff can provide; and,he DPS, according to the Downtown Parking Study, primarily benefits businesses within 600 feet of the structure, that is a limited number of businesses, and thus is a poorer use of public funds than dispersed parking or a regional shuttle which benefits a broader number of businesses.~~

~~*WHEREAS* -DPS design has changed significantly from its original less-intrusive partially-buried bottom floor and two additional stories, to an imposing and view-shed blocking four-story structure of 42' including its roof-parapets;~~

~~*WHEREAS* -DPS, still early in its design phase, has already incurred significant cost-overruns forcing the adoption of structural construction techniques that trade lower construction cost for increased maintenance cost during its life;~~

WHEREAS, Moab City is currently partnering with Grand County and UDOT on a series of comprehensive transportation planning efforts, and is committed to improving transportation throughout Spanish Valley including Moab City, but as currently sequenced the transit component will not be complete until well after the Hotspot funding opportunity is past; and;
~~WHEREAS, Dt; and PS will incur significantly higher maintenance cost than the existing surface lot, with poor prospects for offsetting revenue whether it charges for parking or not, since according to the Downtown Parking Study the lot is often under utilized,~~

WHEREAS, nNon-Hotspot grant programs exist to support the capital and operational expenses of transit, and competitive proposals for such must be supported by quality studies; and;

WHEREAS, -mMeetings of UDOT staff -and local advisory bodies convened by UDOT, are not subject to the conditions of Utah Open and Public Meetings Act. ~~PS cannot accommodate over sized vehicles, a critical parking; and~~ need;

WHEREAS, oOn May 1 2018, Grand County formally convened the “Ad Hoc Moab Transit Authority study committee,”; but in the following twenty-two months has failed to support it via meeting noticing, minute recordation, publication of such records; and;

WHEREAS, Moab City Officials and residents value government transparency, and Moab City is committed and capable of providing meeting noticing and record keeping facilitating that, as well as other public engagement tools; and;

WHEREAS, -given ~~at~~ the UDOT project may fall either entirely within or without Moab City limits, or include both Moab City and Grand County; and;

WHEREAS, Moab City has an interest in cooperating with Grand County to deliver services to their shared constituents more efficiently, Moab elected officials are accountable first and foremost to the citizens within their jurisdictional boundary, and Moab officials desire to cooperate with the County on projects which include both their areas, and retain the authority over projects entirely within City limits; and;

;; and;

~~WHEREAS UDOT is receptive to the redirection of Hotspot funding as long as their goals of reduction of congestion, economic development and increased tourism opportunity can reasonably be expected to occur;~~

WHEREAS, athe Moab City Council believes that, despite the previous investments of time, money, goodwill, public process, and commitments made, on balance the interests of Moab and the satisfaction of the Hotspot criteria may be better served by project(s) other than the Downtown Transportation Hub; ~~n alternate use of DPS funds has been identified that~~

~~satisfies the above criteria, namely a regional or valley-wide shuttle system that encourages visitors to leave their cars at their hotel and residents to leave their cars at home.;~~

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOAB, UTAH that~~NOW, THEREFORE, Be It Resolved by the Council of the City of Moab, Utah that:~~

;

1. City staff negotiate a suspension of work for up to six months with Kimley-Horn with the intent of minimizing financial liability to the City and UDOT; preserve the funding, contracts, work product value, and relationships established thus far, while other potential Hotspot projects are explored.
2. City staff shall seek clarity from UDOT regarding the measures by which alternative projects will be evaluated to meet Hotspot criteria, and submittal requirements.
3. City Staff shall engage with 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.
4. City Staff shall procure a consultant to assist the City and stakeholders in developing other proposals for Hotspot funding, including but not limited to transit, and multi-use path expansion. Scope of Work may be informed by UDOT alternate project submittal standards and ranking criteria.
5. City Staff shall negotiate a cost and staff sharing agreement with Grand County for the resources necessary to sufficiently develop alternatives (including the item 2) consultant. City Staff shall negotiate an MOU with Grand County outlining allocation of operational expenses and revenues for new programs proposed for Hotspot funding which span jurisdictional boundaries. If such agreements are not ratified by both Councils by May 10, at the discretion of the City Council either a) the City shall pursue development of alternative Hotspot projects within city limits without involvement of Grand County government or stakeholders, OR b) the Kimley-Horn design work shall resume.
6. Transparency and public involvement shall be prioritized in the definition of alternative projects. A Hotspot alternative development stakeholder committee shall be convened by Moab City by resolution or ordinance, with clarity as to appointing authority, membership, organization, purpose, and expiration date. Moab City shall provide noticing and record keeping in compliance with OPMA. City staff shall consult with Council on other public engagement tools for this process.

PASSED AND ADOPTED in open Council by a majority vote of the Governing Body of the City of Moab this 10th day of March, 2020.

SIGNED:

Emily S. Niehaus, Mayor

ATTEST:

Sommar Johnson, City Recorder

~~1) City staff direct negotiate a suspension of work for up to six months with Kimley-Horn to cancel the Downtown Parking Structure design contract with the intent of minimizing financial liability to the City and UDOT; preserve the funding, contracts, work product value, and relationships established thus far, while other potential Hotspot projects are explored.~~

~~2a) City staff shall seek clarity from UDOT regarding the measures by which alternative projects will be evaluated to meet Hotspot criteria, and submittal requirements. City Staff shall procure a consultant to assist the City and stakeholders in developing other proposals for Hotspot funding, including but not limited to transit, and multi-use path expansion. Scope of Work may be informed by UDOT alternate project submittal standards and ranking criteria.~~

~~3) City Staff negotiate a cost and staff sharing agreement with Grand County for the resources necessary to sufficiently develop alternatives (including the item 2) consultant). City Staff shall negotiate an MOU with Grand County outlining allocation of operational expenses and revenues for new programs proposed for Hotspot funding which span jurisdictional boundaries. If such agreements are not ratified by both Councils by May 10, at the discretion of the City Council either a) the City shall pursue development of alternative Hotspot projects within city limits without involvement of Grand County government or stakeholders, OR b) the Kimley Horn design work shall resume, Moab City Council coordinate with Grand County Council to form the "Arches Hotspot Region Coordinating Committee," with two council members from each governing body. This committee shall determine staff assistance on an as-needed basis as well as assistance from existing city or county committees. 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.~~

~~4) Transparency and public involvement shall be prioritized in the definition of alternative projects. A Hotspot alternative development stakeholder committee shall be convened by Moab City by resolution or ordinance, with clarity as to appointing authority, membership, organization, purpose, and expiration date. Moab City shall provide noticing and record keeping in compliance with OPMA. City staff shall consult with Council on other public engagement tools for this process.~~

~~2b) The Arches Hotspot Region Coordinating Committee enlist the Grand County Public Transit Committee shall initially pursue the feasibility of a public transit system project in addition to dispersed parking projects that may or may not complement a public transit system.~~

Moab City Council Agenda Item

Meeting Date: March 10, 2020

Title: Improvements to City Communication and Outreach based on Observed Discussions Around Highway Widening and Hotspot Funded Projects.

Presenter: Rani Derasary

Attachment(s):

Suggested Motion: No Motion as this is not an action item.

Background/Summary: (As drafted by Councilmember Derasary)

Since I came on the Council in 2016, we've been working as a local government and Council to improve communications and transparency with the community. Sometimes this involves the Council mainly, sometimes the staff, or a combo. Some of our work has gone well, and other parts could use improvement. I appreciate, for example, staff's recent push to get out weekly updates on the highway widening project, even if all they can say is: "we have no new info from UDOT this week." These updates are helpful.

Hopefully in our March 6 strategic planning workshop the Council will be able to discuss how communication fits into our values. I sense we all want to foster a local government that is as much as possible a helpful ally to residents, as opposed to an irksome adversary. My observations of simple things we could do to immediately makes things better include the following and I'm interested in gauging colleague and staff support:

- Adopting a policy whereby private property parcels do not get put in our meeting packets for theoretical discussion of things that might ideally happen on them (eg housing, parking etc), unless the property owner has first been notified, and agrees to such discussion. I'm not talking about large-scale urban planning that eg looks at whole zones here, but rather what appears to be dreamy visioning about certain parcels without alerting the property owner.

Rationale: It is stressful and I'd argue maddening even to have local government make assumptions about your private property without consulting you. It can also mislead folks reading our packets into thinking we already have permissions to take actions on certain properties when the property owner has no interest in such ideas. This wastes time and energy for everyone and I'd argue it runs counter to the respect for residents we strive to embody as a City.

- I think it's fair to say we've all either observed or participated in frustrating communication over the past few years about the downtown plan, parking, highway widening etc. I am now 4 years into discussions and attempts to improve the City's communication with our residents and I understand why some of them have reached the point of frustration of giving up on us. I'm not ready to give up. But I am done patiently waiting for things I'm told are going to change/improve to change for the better. We owe it to this community to put our money where our mouths have

been, and actually improve communication. It shouldn't be this hard to assess a project, figure out whom it impacts, and attempt to inform them - on a regular basis. Yes, vocal residents who just complain online but never actually read a paper or visit a web site or participate in meetings need to meet us half way, but there is more we can do too. One suggestion I have made and still maintain is key is: to have meetings on projects involving multiple stakeholders happen on the record, recorded, so staff and stakeholders alike can review recordings if there are no minutes should any misunderstanding occurs.

Rationale: We have been dealing with heated issues of late, and I would argue that this format not only makes it easier to consult the record in planning follow-up, and in reviewing what was said if disagreements or misunderstandings occur, but also encourages all parties involved to remain professional.

- Establish a clear process for allowing or denying last minute handouts at Council meetings having to do with agenda items. I understand that at times additional materials are generated last minute, or corrections are made to materials, but I would request that we clarify the grounds under which this is acceptable / a best practice. There was eg confusion about the two maps of Emma and Maxine at our February 11 meeting, and frustration about a handout at the joint City-County meeting about the parking structure.

Rationale: Clearly there are times we can only get something last minute, but having an agreement that strives to minimize this can spare misunderstanding, stress, mistrust, a sense Council, staff or the public are being denied adequate time to review materials, or that the packet narrative is being changed last minute.

- If possible, establish a clearer mechanism for stakeholders to sign up for updates on specific projects. This has the capacity to help both Council and staff remember and quickly capture a list of individuals who wants updates on a specific issue. I do email searches on my own as a Council member, when I eg want to respond to a lot of people interested in the same issue at once, but I'm wondering if there is any more efficient mechanism available to us Citywide for this.

Rationale: I sense that something like this could help with more inclusive outreach. For example, assumptions have at times been made around the North Highway 191 widening that only 2-3 parties need to be consulted, which has left out other parties that requested inclusion (eg HMK). With re-striping the back-in parking on 100S to front-in parking, it can help remind one it's not just Desert West, Zax and the Hogan who might benefit from a heads up that crews will be on the street on a potentially busy spring day, but other neighbors such as the Triangle House and Moab Backyard Theater as well.

- Invite Utah League of Cities and Towns General Counsel David Church for an annual workshop with the Council and Planning Commission.

Rationale: Church is known across the State for his presentations on the Open and Public Meetings Act, and trains most of us every year on the same. That said, such trainings seldom leave time to delve into the more nuanced questions Council members, staff and Planning

Commission members may face in their day to day work. Extended time with Church to address such questions could allow us valuable time to learn from him about approaches other communities are taking and best practices that we might not be on top of.

Moab City Council Agenda Item

Meeting Date: March 10, 2020

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

Disposition: Discussion and possible action

Staff Presenter: N/A

Attachment(s):

- Attachment 1 - Emma Blvd Dispersed Parking Exhibit

Recommended Motion:

None

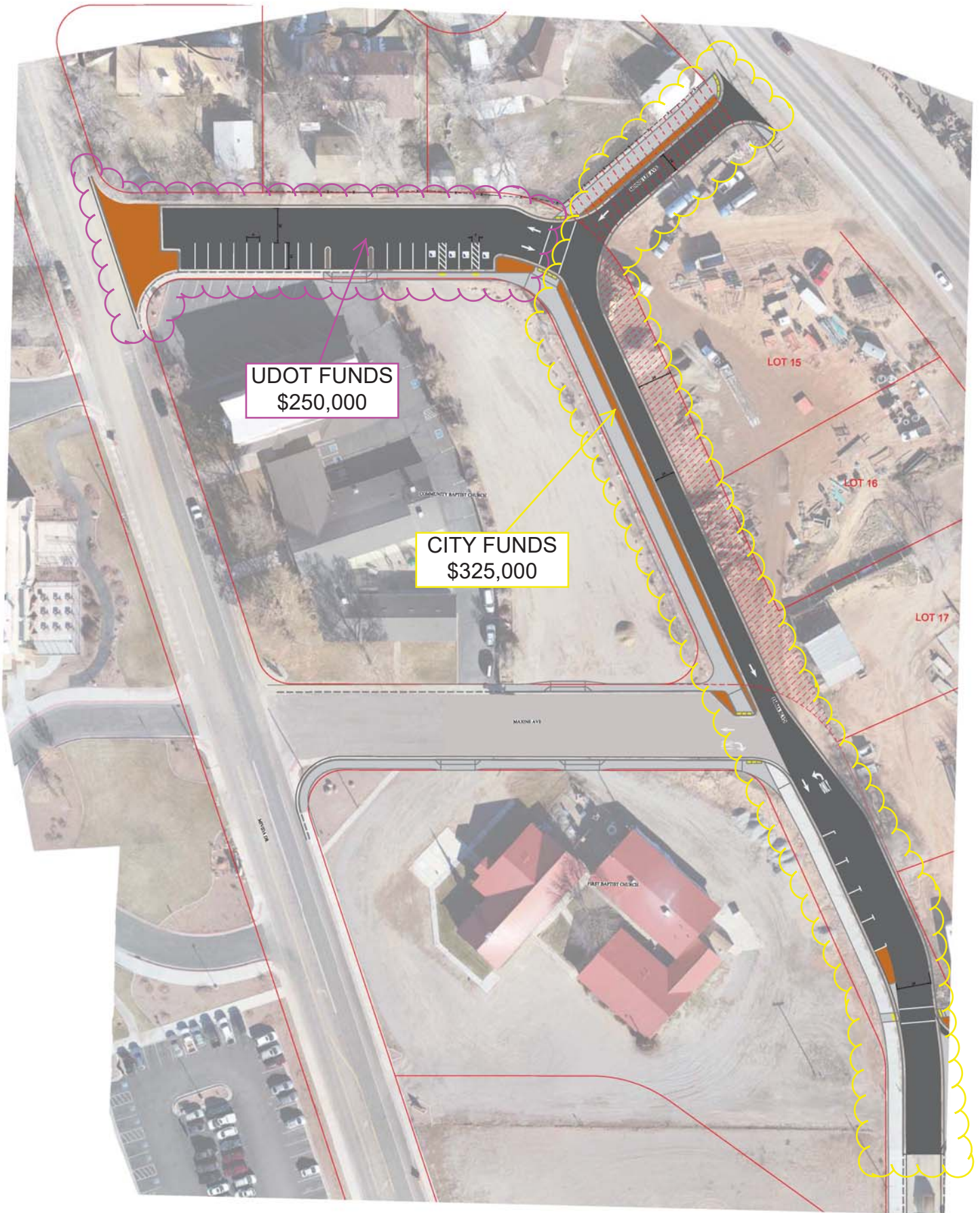
Background/Summary:

In 2019 City Council approved the final plat of the Amended Lot 14, Block "E", Plat "B" Utex Subdivision. This plat records the exchange of a longitudinal portion of Emma Blvd for 38-feet of street right-of-way across lot 14, thereafter named Minnie Lee Avenue. Council directed that access to MiVida Dr from Emma Blvd shall be closed upon installation of Minnie Lee Ave, in order to discourage highway traffic from circulating near Helen M. Knight Elementary School.

Staff has attempted to negotiate with landowners in the north area of town to obtain space for dispersed parking, but at present all offers have been rejected. As an alternative to acquiring new space, staff propose utilizing existing street right-of-way on Maxine Ave and Emma Blvd. See attachment 1, which shows the proposed parking on Emma Blvd. This proposal will put to beneficial public use the future northern dead-end of Emma Blvd at MiVida Dr.

Funds will be provided from the UDOT-administered Dispersed Parking Hotspot funding. However, UDOT will not fund construction of Minnie Lee Ave. That would have to be funded and built concurrent with the Emma Blvd Dispersed Parking Lot using City funds. Staff request City Council permission to seek UDOT approval for the proposed use of Hotspot funding if Council concurs with funding construction of Minnie Lee Ave.

Attachment 1 - Emma Blvd Dispersed Parking Exhibit



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

Title: Parking Layout Options for 100 South between 100 West and Main Street

Disposition: Discussion and possible action

Staff Presenter: Chuck Williams, City Engineer

Attachment(s):

- Attachment 1 – Parking Layout Options 1 and 2

Recommended Motion: N/A

Background/Summary:

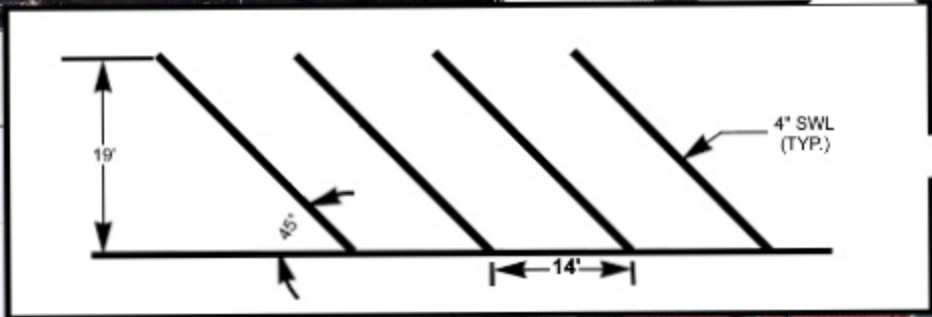
In May 2019, the City converted existing front-in angle parking on 100 South between 100 West and Main Street to back-in angle parking. This was done as a pilot program, with the intention that its efficacy and appropriateness would be reevaluated. At the February 11, 2020 City Council meeting, council directed staff to return the parking to the previous front-in parking configuration.

The City has an obligation under Title II of the Americans with Disabilities Act (ADA) to provide accessible pedestrian facilities in the public right-of-way. In an effort to improve accessibility of parking on 100 South, staff have prepared two parking layout options for discussion with City Council.

The first layout (Option 1) replaces the spaces exactly as they were before May 2019. The second layout (Option 2) is similar, but adds an access aisle and curb ramp adjacent to the accessible parking space, at an estimated additional cost of \$5,000. In order to fit the access aisle without reducing the overall number of spaces, all spaces will be reduced from 14-feet wide to 13-feet. This width still exceeds the minimum parking space width provided in the city code. The addition of the access aisle and curb ramp would bring the parking on this block into compliance with the ADA. Both layouts will result in ten front-in diagonal parking spaces.



PARKING STRIPE DETAIL



**9 Standard,
1 Handicap Parking Stalls**

100 SOUTH

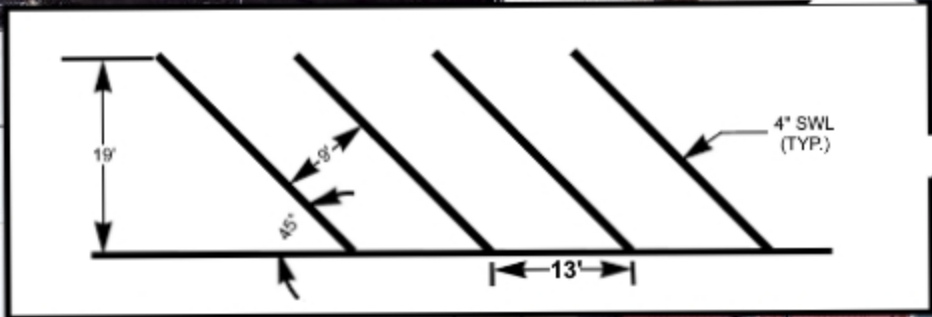
7 Standard Parking Stalls

MAIN STREET

**OPTION 1
2018 PARKING STRIPING**



PARKING STRIPE DETAIL



9 Standard,
1 Handicap Parking Stalls

100 SOUTH

MAIN STREET

7 Standard Parking Stalls

**OPTION 2
ADA COMPLIANT
PARKING STRIPING**

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

Title: Main Street 2-hr Parking Restriction

Disposition: Discussion

Staff Presenter: Chuck Williams, City Engineer

Attachment(s):

- Attachment 1- 2-hr Parking Restriction Concept

Recommended Motion:

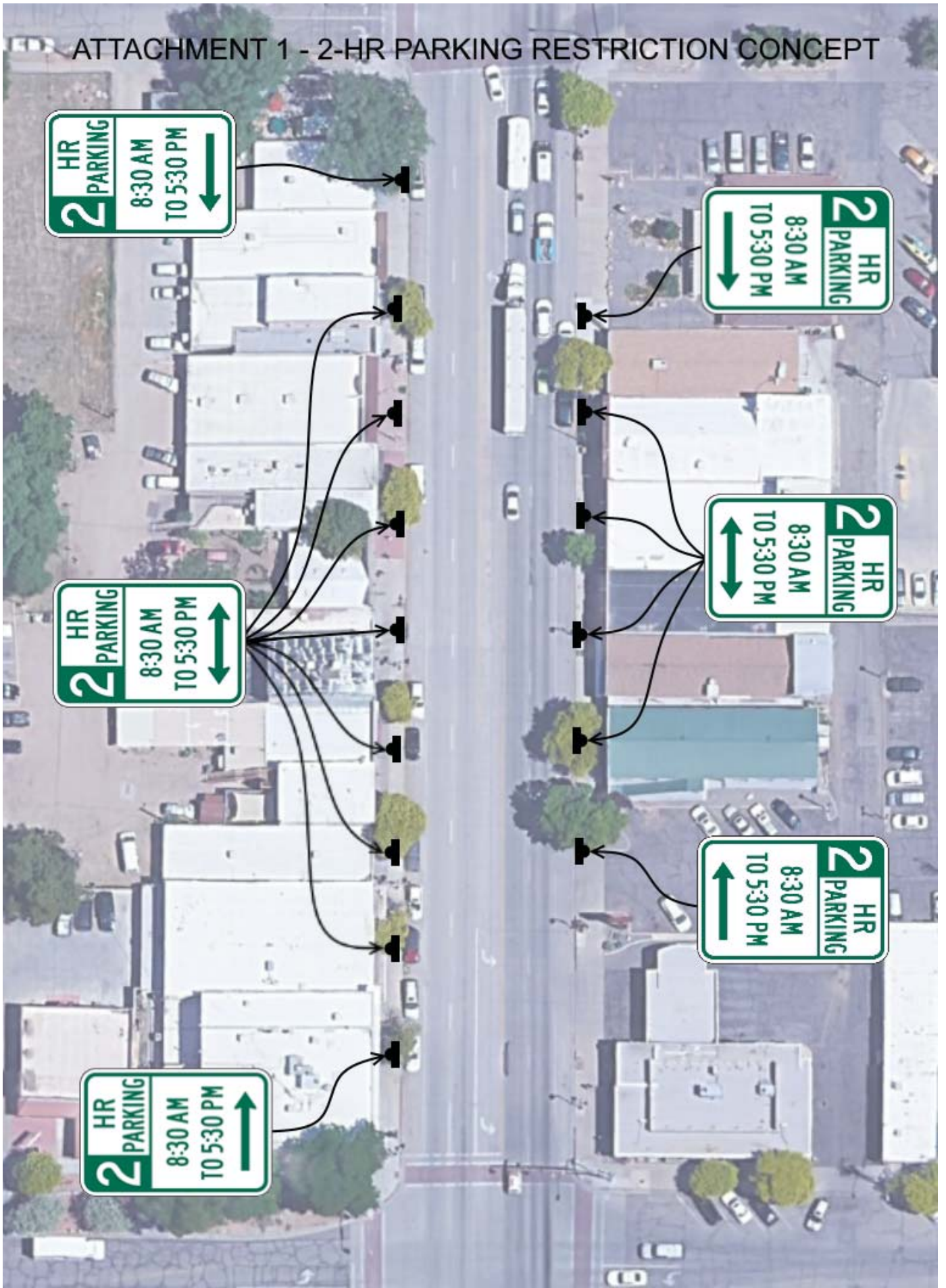
N/A

Background/Summary:

Per City Council direction, staff are investigating implementation of 2-hr time restriction parking signs along Main Street. Additionally, the Moab Parking Management Study recommends restricting parking times in order to encourage higher turnover in busier parking areas. Single arrow signs mark the ends of the restricted parking zone, with as many double arrow signs in between as needed (See attachment 1). Staff have identified four existing signs, delimiting a total of fifteen 1-hr restricted public parking spaces in downtown Moab. Consultation and coordination with UDOT will be required before installation of signs on Main Street is possible.

There are two options being presented: Option A, comprising Main Street between 400 North and 300 South; and Option B, which would extend from Option A south to the southern terminus of 400 East. Concurrent with the planned North US-191 highway widening, no parking will be provided north of 400 North. Option A would require approximately 90 signs and posts to be installed at an estimated cost of \$20,000; option B would likely double the required signs for a total of 180, and an estimated cost of \$40,000. Actual quantity of signs required will depend on the particular grouping of existing parking spaces, desired frequency of signage, and availability of sign post locations on the sidewalk or park strip.

ATTACHMENT 1 - 2-HR PARKING RESTRICTION CONCEPT



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

Title: Proposed Resolution 13-2020: Donation of miscellaneous property to Seekhaven, Grand County School “Beacon After School” program, Grand County School “Bike Tech” Class, and items to be auctioned at Propertyroom.com.

Date Submitted: February 26, 2020

Staff Presenter: Cindy Montague, MCPD Evidence Custodian

Attachment(s): Donations overview list of Group A thru D, which correlates with the above-mentioned entities.

Options: Approve, deny, or modify.

Recommended Motion: Approve

Background/Summary: Donate miscellaneous property to three non-profit organizations located in Moab. Other items will be sent to auction at Propertyroom.com.

The “Unclaimed/Found Property” process is now complete, as required by the State of Utah, Code 77-24a-5. The property that is being donated are items generally brought to the Police Department by citizens, and the owner is not known. The list of items is a compilation of several “Unclaimed/Found Property” listings since 2018. Every effort had been made to locate an owner of found property.

The process requires a 90 day wait period to hold property. After 90 days, a listing of the items and advisement that property needs to be claimed within 8 days, posted on the State and Moab City websites and in the lobby of the Police Department are required. If items are not claimed, the process then requires that the “finder” of the property has the option to claim items. Contact or an attempt is

made via a phone call and/or sending a “Notice to Claim Property” letter is mailed. If the “finder” has no interest in the item, it then becomes property of Moab City.

The outcome of the property items are then determined as to where it is best suited for various non-profit organizations in Moab. Items that don't have an appropriate location, and have value, are determined to be sent to an auctioning company; Propertyroom.com. There is a percentage of proceeds from the auction in the form of a check that will be sent to the Police Department/Moab City.

In accordance with Utah Code 77-24a-5(4)(a)(b), it is the governing body that ultimately determines the outcome of the property for public interest; said property is more specifically listed in the attachments.

CITY OF MOAB RESOLUTION NO. 13-2020
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 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 10th day of March, 2020.

SIGNED:

Emily Niehaus, Mayor

ATTEST:

Sommar Johnson, City Recorder

GROUP A (SEEKHAVEN) DONATIONS:

Backpack, Purses, Notebooks/Pens/Journal, Lawn Chair, DVD's, Umbrella, and New Misc Clothes.

GROUP B (BEACON AFTER SCHOOL PROGRAM) DONATIONS:

Tripod, Bike Rack, 5 disc CD Changer, Miscellaneous tools, Tool Belts, Finish Nails, and black cable.

GROUP C (GRAND COUNTY "BIKE TECH" CLASS) DONATIONS:

Four to Six Bikes (Waiting to see if "finder" of the bike(s) wants to claim). Will know the exact number at the time of the Council meeting.

GROUP D (PROPERTYROOM.COM) ITEMS:

Climbing Harnesses/Gear, Drone, Sentry Safe, Monitor, Backpacks, Binoculars, Flashlights, Canvas Bags, Jewelry, Bicycle Rims, Cameras, Cell Phones, Leather Jacket, Baseball Card Collection, Skis, Sunglasses, Watch, Wallets, and Laptops.