

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
April 25, 2023

Moab City Council held its Regular Meeting on the above date in Council Chambers. Archived audio is at www.utah.gov/pmn and video is at www.youtube.com/watch?v=fsoSR5R4aII.

Regular Meeting Attendance and Call to Order:

Mayor Joette Langianese called the meeting to order at 5:02 p.m. and Bill Winfield led the Pledge of Allegiance. Councilmembers Rani Derasary, Tawny Knuteson-Boyd, Jason Taylor, Luke Wojciechowski and Kalen Jones attended. Also in attendance were Police Chief Jared Garcia, City Treasurer Marcy Mason, Human Resources Director Dani Guerrero, Parks, Recreation, and Trails Director Annie McVay, Arts & Special Events Director Kelley McInerney, Assistant Police Chief Lex Bell, Assistant City Engineer Mark Jolissaint, City Engineer Chuck Williams, City Manager Carly Castle, Finance Director Ben Billingsley, Recorder Sommar Johnson, Attorneys Nathan Bracken, Lisa Watts Baskin and Jeff Gittins, and 15 members of the public.

Workshop—Water Rights and Water Resource Management Plan Update

Mayor Langianese introduced the speakers for the workshop and acknowledged Councilmember Derasary for her persistence in getting the City to have the workshop. City Manager Castle stated Council and staff are very concerned about the City's culinary water resources and said staff approached the issue with proactive management. She said the chief concerns involved safe yield (the maximum rate of withdrawal that can be sustained by an aquifer without causing an unacceptable decline in the hydraulic head or deterioration in water quality), mining the aquifer, the reality of the City's water supply, engineering water delivery, the legal framework of the City's water supply, and political considerations. She noted there were development pressures at play and added the state legislature had become more progressive regarding municipal water management.

Attorney Bracken gave background information regarding federal and state oversight of water and explained the concept of prior appropriation as it pertains to priority use of water, and explained the current Colorado River crisis does not have much direct impact on Moab City because the City's water supply is from wells and springs. He added that, because the State Engineer did not deem Moab's aquifer to be at safe yield, Moab is in a position to create a locally based area plan. He indicated this might be better than a state-mandated groundwater management plan, which could be imposed if Moab's aquifer attained safe yield. He said municipalities can use land use policies to manage water supply and he brought up the City's pending water-limiting landscape ordinance, the General Plan, and other water conservation initiatives. He introduced the concept of water savings brought about by reducing turf, for example, which could keep water in the ground. He cautioned that neighboring water utilities must also participate in these measures. He mentioned a model called concurrency that Summit County adopted which requires developers to prove sufficient water exists to issue a building permit. Bracken concluded by expressing optimism for Moab to manage its water resources because of changes in statute due to the Salt Lake drought issue.

Attorney Gittins gave an overview of the City's extant water rights, which total 9,473 acre-feet (AF) from wells and springs, of which the City is currently using 2,300 AF. He explained the City has the right to hold the remainder of the rights for future use. Councilmember Derasary asked for clarification regarding the City's surface water rights, and it was explained the City has no surface water rights. Councilmember Jones asked about the situation in San Juan County, which resulted in the unusual change of 500 AF of surface water rights to well rights in 2011.

Regional Water Engineer Marc Stilson of the Utah Division of Water Rights spoke about the research studies conducted since 1971 that concerned the amount of groundwater in the local area. He discussed the varying amounts estimated to be contained in the Glen Canyon Group Aquifer (comprising most of the City's water rights) and the Valley Fill Aquifer. He explained fluxes in water levels and reiterated the recommendation from the United States Geological Survey (USGS) to install more gauges to test groundwater levels. He said testing is needed in the wetlands, near the golf course and near Kens Lake. He expressed his interest in learning more about the brine layer in the aquifer. Stilson explained the long-standing policy of "first in time, first in right," whereby the oldest water rights have priority over newer water rights. He explained the City was in a good position because its groundwater rights have priority over other water utilities in the area, including the Moab Irrigation Company (MIC), Grand Water and Sewer Service Agency (GWSSA), and the San Juan Spanish Valley Special Service District (SJSVSSD). Councilmember Derasary thanked Stilson for his informative presentations, noted the mixed messaging on whether we are already at safe yield, asked how decision makers could know when we get there, and what our first steps should be at this time. Stilson said the 2019 study did not examine in detail the two aquifers separately, and said the Glen Canyon Aquifer may or may not be at safe yield, and noted more study is needed of the two aquifers and interactions between them. Prospects of modeling were discussed and Stilson said better data is needed to produce a viable model. He said there had been moderate declines in the aquifer, which did not necessarily mean safe yield had been met. He said planning efforts are more critical than anything else, as there is not a lot of water left to develop. He predicted between the two aquifers there are 1500 AF to 3500 AF left to develop, and Moab City and the GWSSA would work together for the little bit that may be available. He said SJSVSSD is limited to their already-allocated 500 AF.

Councilmember Taylor asked if the City has increased its use over the last 20 years. He added he wants to protect the remaining water and prevent its disbursement to others. Engineer Williams later addressed the question and said use had been between 1800 and 2200 AF for six years.

Derasary also brought up the concept of paper water versus wet water, which is the difference between water rights on paper versus actual water supply. Councilmember Taylor asked how the City could protect its water supply. Councilmember Wojciechowski brought up provisions that prevent hoarding while ensuring future supply. Stilson mentioned a private well outside City limits was determined to be drawing from the Glen Canyon Aquifer, and the level has remained the same since 2008. He said that well now has a gauge. City Manager Castle said that the City needs to determine if it is at or near safe yield, and the Water Utility Resource Management Plan (WURMP) is needed now to address regional eventualities. Councilmember Jones noted the City plans to budget for water monitoring equipment. Councilmember Derasary asked about considerations for climate change and if there is data to assist with knowing the gap between paper water rights and actual production capacity.

Engineer Williams gave an update on the history and progress of the regional WURMP, which considers water supply, distribution, storage, funding, water rights and policy. He said that, based on projections, the City's water demand could exceed supply in 2045. He said of the projected 4,000 residential units to be built in San Juan County, that no one is going to build 4,000 units in the near future and cited a recent slow-moving project involving 200 units. Williams said possible conservation efforts include tiered rates, land use ordinances, treating Colorado River water for culinary use, using sewer outfall to recharge the wetlands and converting secondary (irrigation) water supply from open channels to piped systems.

Councilmember Jones brought up the estimate by the Public Works staff that 20 percent of the City's culinary water is lost on an annual basis. Williams explained this could be due to spillover from springs in the winter, fire hydrant testing and leaks in the system. Jones also mentioned

the current initiatives to conserve water such as the landscape ordinance deal specifically with outdoor water use. Councilmember Derasary expressed dismay and said the workshop had been misrepresented and it was not what she had asked for. She said she had been fighting for a year to have promised water meetings and was glad it was happening, yet she said she had no part in the planning and felt used to put a mask on things, and would no longer cover up bad things said about people working in the water community. She apologized that "it's come to this" but noted she had exhausted every professional avenue, and expressed a hope for better communication in the future.

Citizens To Be Heard:

Mary O'Brien asked, as the City works with the other regional water utilities, if it is assumed the aquifer is at safe yield. She suggested it was not wise to assume otherwise. She also asked how long it would take to determine if the Glen Canyon aquifer was mixing with the more-polluted Valley Fill aquifer, and asked if the City would act in a cautionary way until more data is collected. She appreciated the effort to gather trends from wells, asked how climate science would be incorporated into the study, and requested the City engage climate scientists.

Pete Gross stated he shares Ms. O'Brien's concerns. He brought up information on social media about illegal muffler modifications by local businesses. He said the police department is following up. He suggested the City bring back the noise expert it engaged in the past. He praised the police department for issuing tickets and warnings for noise enforcement and endorsed overtime pay for such enforcement.

Department Head Update: Police Department

Police Chief Garcia reported on enforcement efforts, turnover and attrition. He said camping and off-highway (OHV) violations were the most reported crimes and noted the police department addresses all threats, crimes and hazards. He addressed homelessness issues and threats on the parkway. Councilmember Derasary asked about problem areas for overnight camping and Garcia said the camping issues pertained partly to tourists and partly to homeless persons who may have substance abuse or mental health issues. He added commercial vehicles running red lights are a priority as well as noise complaints, especially as it relates to exhibitionist speeding. He said citations have been issued for modified mufflers.

Consent Agenda—Approved

Motion: Councilmember Knuteson-Boyd moved to approve the consent agenda as follows: approval of minutes for the April 11, 2023, Regular Meeting and approval of bills against the City of Moab in the amount of \$164,800.31. Councilmember Wojciechowski seconded the motion.

Discussion and Vote: Councilmember Derasary explained why she had not been able to prepare for the meeting, and that per discussion with the City attorney, she would abstain from voting through the meeting.. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

General Business:

RAP TAC Recommendations—Approved

Presentation and Discussion: Parks, Recreation and Trails Director McVay presented a summary of the 2023 Recreation, Arts & Parks (RAP) Tax Advisory Committee (TAC) recommendations for funding. She introduced RAP TAC members Barbara Hicks, Emily Roberson, Molly Taylor and Richard Codd and thanked Neal Clark, who was unable to attend. McVay described the process of the committee and stated \$93,000 of the overall RAP tax revenue was recommended for allocation to several local nonprofits as grants. She also explained a debrief session was planned for all applicants.

Motion and Vote: Councilmember Taylor moved to approve the RAP TAC's recommended projects and funding amounts for the 2023 RAP Tax Grant cycle totaling \$93,000.

Councilmember Jones seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

Stormwater Impact Fees Ordinance—Approved

Motion and Vote: Councilmember Jones moved to adopt proposed **Ordinance 2023-05** establishing storm water impact fees as recommended in the Storm Water Impact Fee Analysis dated April 2023, and authorize the Mayor to sign the ordinance. Councilmember Wojciechowski seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

Public Hearing for Master Fee Schedule

Mayor Langianese opened a public hearing regarding amendments to the master fee schedule at 7:30 p.m. Treasurer Mason presented changes to business license fees and noted a correction to some solid waste fees and the updated stormwater fees. There were no public comments and Mayor Langianese closed the public hearing at 7:35 p.m.

Master Fee Schedule—Approved

Motion: Councilmember Jones moved to adopt **Ordinance 2023-06**, an ordinance to remove, add, or amend fees in the Moab Municipal Code Chapter 3.50, Master Fee Schedule. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

Public Hearing for Pay Plan Schedule and Salaries:

Mayor Langianese opened a public hearing regarding the City's Fiscal Year 2023-24 pay plan schedule and adoption of the exempt and elected officials' salaries at 7:41 p.m. Human Resources Director Guerrero fielded questions about proposed changes. There were no public comments and Mayor Langianese closed the public hearing at 7:42 p.m.

Pay Plan Schedule and Exempt and Elected Salaries—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to adopt Proposed **Ordinance 2023-07** adopting the Pay Plan Schedule and Appointed/Exempt and Elected Salaries for Fiscal Year 2023-24. Councilmember Wojciechowski seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

Adoption of Tentative Budget—Approved

Presentation and Discussion: Finance Director Billingsley presented the tentative budget and briefly outlined major areas of expenses. He noted the five percent Cost of Living Adjustment (COLA).

Motion and Discussion: Councilmember Jones moved to approve **Resolution 12-2023**, a resolution to adopt the tentative budget for fiscal year 2023-2024 and set a date for the public hearing on May 9, 2023. Councilmember Knuteson-Boyd seconded the motion. Councilmember Taylor requested future discussion to reinstate merit and longevity pay.

Vote: The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

City Manager Updates:

City Manager Castle reported she attended the Utah League of Cities and Towns (ULCT) conference and noted interviews were being conducted for administrative staff.

Mayor and Council Reports:

Councilmember Knuteson-Boyd reviewed the ULCT conference and noted the keynote speech by Tim Shriver about his dignity index and rampant contempt in society. She asked about the staff satisfaction survey and Mayor Langianese said it was forthcoming.

Councilmember Taylor reported he attended meetings regarding the City budget, Chamber of Commerce, the City's parks master plan open house, timed entry at Arches National Park, and high water concerns. He said business and visitation trends were of concern and he noted the national park superintendent had announced her retirement.

Councilmember Wojciechowski reported on meetings of the homelessness council, the City budget team, the land trust, a meeting with the Mayor, the Kane Creek Boulevard reconstruction preview and the Museum gala. He mentioned an uptick in substance abuse and mental health issues among the homeless and he said the Virginian had upcoming vacancies.

Councilmember Derasary said she attended a budget workshop, the Kane Creek Boulevard reconstruction preview, and an informational session regarding stream gages. She reported she met with Trish Hedin, the County Commission liaison to the GWSSA. She updated Council on the progress of the tailings pile community vision draft, and noted the intensive work to excavate autoclaves was upcoming. Derasary reported on a Seekhaven training on inclusion and diversity and recommended it for the City. She concluded with comments about free advisors available for women in business.

Mayor Langianese reported that May 3 would be the Safe Routes to Schools day for the elementary school and invited Councilmembers to walk the neighborhoods at 8:00 a.m. on that day. She announced upcoming meetings with United States Representative John Curtis and State Senator David Hinkins. She spoke about rail service to Moab and the upcoming 100-year anniversary of the Utah Film Commission. She said she met with Jacques Hadler from the County Commission to discuss a June 28th City Council-County Commission meeting. She concluded with a mention of a meeting of the Association of Governments to discuss the Permanent Community Impact Fund Board (CIB) fund.

Executive (Closed) Session:

Motions and Votes: Councilmember Knuteson-Boyd moved to enter a closed strategy session to discuss reasonably imminent and/or pending litigation. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye. Mayor Langianese convened the executive closed session at 8:11 p.m. Councilmember Jones moved to end the executive closed session. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye. Mayor Langianese ended the session at 8:59 p.m.

Adjournment: Councilmember Wojciechowski moved to adjourn. Councilmember Knuteson-Boyd seconded the motion. The motion passed unanimously. Mayor Langianese adjourned the meeting at 8:59 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder