

**MOAB CITY COUNCIL MINUTES**  
**REGULAR MEETING**  
**August 23, 2022**

Moab City Council held its Regular Meeting on the above date in Council Chambers. Archived Audio is at [www.utah.gov/pmn](http://www.utah.gov/pmn) and video is at [www.youtube.com/watch?v=KGSzuNXb1ZE](http://www.youtube.com/watch?v=KGSzuNXb1ZE).

***Attendance and Call to Order:***

Mayor Joette Langianese called the meeting to order at 6:03 p.m. and asked Joyce Victor to lead the Pledge of Allegiance. Councilmembers Luke Wojciechowski, Rani Derasary, Jason Taylor and Kalen Jones attended and Tawny Knuteson-Boyd was absent. Also in attendance were Engineer Chuck Williams, City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Public Works Director Levi Jones, Arts, Recreation and Trails Director Annie McVay, Police Chief Jared Garcia, Attorney Nathan Bracken, Building Inspector Barry Ellison, Planner Cory Shurtleff, Deputy Recorder/Communication Director Lisa Church and four members of the public.

***Citizens to Be Heard:*** There were no Citizens to be Heard.

***Department Head Update:***

Engineer Williams and Public Works Director Jones briefed Council on the ongoing recovery from the August 20 flood. Williams estimated Mill Creek flowed at more than 5,000 cubic feet per second (cfs), and may have set a record. He described the event as a 100-year flood. Williams conveyed his concern that spectators were dangerously standing on bridges that could have been overwhelmed by the floodwaters. He said the bridges on 400 East and Main Street were from circa 1975 and noted the Utah Department of Transportation (UDOT) had sent engineers to deem them safe after the flood event. He suggested to Council that a level of storm protection to withstand 10, 50 or 100-year floods be established, or Council could seek to return to the existing pre-flood condition. Discussion ensued about the heavily damaged Mill Creek Parkway pedestrian and bike path. Williams brought up non-structural considerations including riparian habitat. Councilmember Taylor expressed appreciation for the hard work of the public works crew in responding to the flooding. Councilmember Derasary asked if there were Public Works needs that could benefit from outside help since the City is receiving offers from other communities. Williams noted local contractors provided dump trucks and are helping to install the water line. Public Works Director Jones noted his crews were using law enforcement and UDOT contractors to eliminate liability. Williams brought up the need for a real time flood warning system and explained how they work. Councilmember Derasary inquired about the welfare of the exhausted staff. She also asked what help staff needed from other communities offering resources and if there were any compromises to the Wastewater Treatment Facility (WTF). Mayor Langianese mentioned a visit to witness the damage by Congressman John Curtis as well as the Lieutenant Governor. She said that local efforts resulted in Governor Cox declaring a state of emergency, which will result in federal disaster relief funds becoming available. Councilmember Derasary reiterated the need for a functioning emergency response system. City Manager Castle explained that residents seeking aid for damages should email [flood@moabcity.org](mailto:flood@moabcity.org) within 15 days from the flood to document damage. She asked citizens to provide information and to call the City.

***Consent Agenda—Approved***

Councilmember Derasary moved to approve the Consent Agenda, as follows: Comment Letter to the Manti-La Sal National Forest Regarding Hydrologic Function Rehabilitation and Restoration; Approval of Minutes for the July 26, 2022, Regular Meeting and the August 3, 2022 Special Meeting; and approval of bills against the City of Moab in the Amount of \$1,391,506.83. Councilmember Taylor seconded the motion. It was noted the Comment Letter

narrative conforms to the new Forest Plan, and Councilmember Derasary stated she sent corrections to the minutes to the Recorder. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Taylor and Wojciechowski voting aye.

***Public Hearing for Master Fee Schedule:***

Mayor Langianese opened a public hearing on Proposed **Ordinance 2022-13**: an ordinance amending the Moab Municipal Master Fee Schedule at 7:10 p.m. Parks, Recreation and Trails Director McVay presented proposed changes to the Moab Recreation and Aquatics Center (MRAC) fee schedule. She cited a financial analysis conducted by a consultant and noted the MRAC was operating well on a very lean budget. She acknowledged it was not possible to operate the MRAC solely with fees and stated there would need to be up to a 65 percent increase in fees to offset costs. McVay presented two scenarios, including a ten percent increase or a 20 percent increase, with no increase in day passes for local residents or for swim lessons. She said a ten percent increase would garner \$30,000 more in revenue and 20 percent would increase revenues by \$60,000.

Joyce Victor spoke at length about the swimming pool and stated her disappointment in the timing of the proposed rate changes for the swimming pool.

Councilmember Wojciechowski asked about a provision to provide discounts to local residents based on a means-tested formula. Councilmember Derasary brought up an older model used to determine fees based on income. Councilmember Taylor suggested shower fees are low and suggested \$10 for nonresidents. Councilmember Derasary proposed that a day use fee in lieu of showers could be assessed for non-residents. McVay stated there were more than 9,000 non-resident showers purchased last year. Derasary also brought up inflation and use of Recreation, Arts and Parks (RAP) tax to offset MRAC expenses. Councilmember Taylor suggested a blend of an increase of 20 percent for non-resident fees and ten percent for resident fees. Councilmember Wojciechowski said he was open to an increase in fees for showers with a caveat for vouchers supplied to local nonprofits for homeless individuals or others in need; McVay stated the voucher program was already in place. Mayor Langianese closed the public hearing at 7:24 p.m.

***New Business:***

***Master Fee Schedule for the Recreation and Aquatic Center—Approved***

***Discussion:*** Mayor Langianese opened the discussion regarding Proposed **Ordinance 2022-13**: an ordinance amending Moab Municipal Code Chapter 3.50, Master Fee Schedule for the Recreation and Aquatic Center. Councilmember Jones suggested completing a more thorough study over the year and suggested raising the visitor shower fee above \$10 while educating visitors about how tourist use of the facility benefits the community.

***Motions:*** Councilmember Taylor moved to approve Proposed **Ordinance 2022-13**: an ordinance amending Moab Municipal Code Chapter 3.50, Master Fee Schedule for the Recreation and Aquatic Center with an increase to the shower fees for non-residents by initiating a day-use fee in lieu of a shower fee, with fees not increased otherwise. The motion failed for lack of a second. Councilmember Wojciechowski moved to approve Proposed **Ordinance 2022-13**: an ordinance amending Moab Municipal Code Chapter 3.50, Master Fee Schedule for the Recreation and Aquatic Center with a ten percent increase in fees along with a day-pass fee for non-residents in lieu of a shower fee, along with a means testing provision for local residents. Mayor Langianese clarified that the intention was to use the added funds from increased non-resident shower fees toward means testing for residents who might need an added discount. Councilmember Derasary seconded the motion.

***Discussion:*** Councilmember Derasary asked about instituting a higher fee for non-residents than residents if means testing is under consideration. Attorney Bracken and City Manager Castle noted means testing provisions have not been developed and would need to be proposed

at a later time or the ordinance would need to be tabled and then revised to include means testing provisions for the Council to consider as a whole. Councilmember Wojciechowski suggested a fee increase for local residents who can afford it is acceptable as costs have gone up and added he is hesitant to impose a fee increase without consideration of underprivileged residents. He stated his support for tabling to revise. Councilmember Derasary asked if it was an option to do a 10% increase for residents, and 20% increase for non-residents. Councilmember Jones stated his support for the increase in general but noted he is concerned about passing the means testing provision without further defining it. He suggested making the effective date for the increase in two months after advertising the increase to give residents time to purchase passes at the current price. He added this would allow staff time to develop means testing. He brought up the need to pass a fee increase to ensure MRAC revenues are more viable. Councilmember Derasary reiterated her support for a 10% increase for resident with a higher, 20%, increase for non-residents.

**Amended Motion and Vote:** Councilmember Wojciechowski moved to amend his former motion to remove means testing and to include a two-month effective date with instructions to staff to develop means testing provisions, and a 10% increase for residents, and 20% increase for non-residents..Councilmember Derasary accepted and seconded the amendment. The Mayor reiterated the motion included all of the following: increasing user fees to 10% for residents, and 20% for non-residents; increasing the non-resident shower fee to \$12, to be the same as the cost of daily entry; to removing means testing, but directing staff to look into that; and having new fees go into effect November 1. Councilmember Derasary clarified that certain things such as swim lessons and daily admission for residents would not be increasing at all. The amended motion passed 3-1 aye with Councilmembers Jones, Derasary and Wojciechowski voting aye and Councilmember Taylor voting nay.

#### ***Waiver of Building Fees for Flood Damage Recovery—Approved***

**Presentation:** It was explained that Proposed **Resolution 24-2022** to waive building permit fees for flood damage would have a fiscal impact of approximately \$5,000 and Building Inspector Ellison would administer the fee waivers.

**Motion and Vote:** Councilmember Derasary moved to adopt **Resolution 24-2022**, a resolution waiving building permit fees for properties impacted by the flooding within the City of Moab. Councilmember Taylor seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Taylor and Wojciechowski voting aye.

#### ***Old Business:***

##### ***Protection Strip Dedication Extension—Approved***

**Presentation and Discussion:** City Manager Castle explained that the purpose for the extension was to allow the original developer to recoup costs of infrastructure from adjacent landowners when they develop. She noted such agreements are outdated because of current code but this existing agreement includes an extension provision. She said the money the original developer could recoup is significant and because of increased property values, an adjacent developer would likely not purchase the entire strip. Castle said if the extension was not granted, the land would pass to the City and the City would then need to negotiate. She said if the City wants to allow the developer to recoup some of the costs, an extension would be appropriate. Councilmember Jones asked if the agreement could be modified and Attorney Bracken answered it would need to be done in writing by both parties.

**Motions and Votes:** Councilmember Taylor moved to approve **Resolution 2022-23** adopting the extension of a protection strip dedication for 12 years. Councilmember Wojciechowski seconded the motion. Councilmember Jones made a substitute motion to table to allow for discussion in Executive Session. Councilmember Derasary seconded the motion. The motion to table failed with Councilmembers Jones and Derasary voting aye and Councilmembers Taylor and Wojciechowski voting nay. Mayor Langianese cast a tie-breaking nay vote and the motion to table failed. Mayor Langianese called for the vote on the original

motion, which passed 3-1 aye with Councilmembers Jones, Taylor and Wojciechowski voting aye and Councilmember Derasary voting nay. Derasary stated she was not opposed to the motion but rather wished to honor Councilmember Jones' request for more time to ask a question and return to the vote later in the meeting..

***City Manager Updates:***

City Manager Castle reported there would be an interagency speeding enforcement blitz on Labor Day weekend. She also reviewed the statewide state of emergency and credited the City's lobbyist, the media and the Mayor. She added that residents recovering from the flood would not pay tipping fees at the landfill, showers were free at the MRAC for residents without water and City crews would pick up downed trees and debris. She noted more rain was in the forecast. She mentioned contaminated water mains and noted a small segment of town including 20 homes and businesses were without water and some outside water infiltrated the system, resulting in a need to boil water in some parts of town. She concluded by stating a water truck would deliver water to homes, and portable toilets would be made available. Castle said she would conduct an internal evaluation of the City's response. Councilmember Derasary asked how the Council could participate.

***Mayor and Council Reports:***

Councilmember Taylor reported on an airport board meeting and stated bids would be needed for a terminal expansion to accommodate an x-ray machine. He also reported on a travel council meeting and said he helped with the cleanup and gave interviews with the media. He reported on a meeting of the Emergency Medical Services Special Service District. He said their audit was good and the sales tax revenues were not yet equal to the Canyonlands Health Care Special Service District due to the debt obligation. He said there was a discussion regarding the lack of a central command. He said calls were up from 2021 with a significant number of resident calls. He concluded by saying the ambulances are aging and replacement costs and wait times are up.

Councilmember Derasary reported on a meeting of the Grand Water and Sewer Service Agency (GWSSA), which made an offer to purchase 76 acre-feet of water rights. She mentioned that 30 percent of the flow at the Wastewater Treatment Facility was from GWSSA and San Juan Valley combined. She mentioned a communication system employed by GWSSA to notify customers of billing and service matters as well as emergency outages. Derasary noted a discussion regarding County efforts to provide temporary workforce housing options including camp parks and tiny homes. She also mentioned County water workshops. She thanked everyone who helped with the flood.

Councilmember Wojciechowski attended a homeless committee meeting and said the homeless numbers are up. He said the state had passed an eviction expungement law as well as a conviction expungement law, which could create more opportunities for housing assistance. He said the outdoor living project was very popular and more donations of camping gear is needed. He said Seekhaven is working with the local faith-based coalition to find individual congregants who can provide short or long-term housing for homeless individuals. He reported the Moab Area Land Trust is in the process of producing 12 twin homes for individuals earning up to 120 percent of the AMI. Wojciechowski also reported on projects of Trail Mix and the continuing need for trail ambassadors. He reported on the activities of the Planning Commission and commented the planning department is now fully staffed. He said he participated in two of the visioning focus groups and thanked the community members who attended. He said there is a perception within the community that it is pointless to reach out to local elected officials because of a belief that there are only a few individuals within the community that officials will actually hear. He said he would like to challenge that and noted while there are people with a potentially outsized voice, they might be the only ones speaking up. He stated he wants many perspectives so that well-rounded and well-informed decisions can be made. He asked citizens

to speak up, reach out, and allow Council to prove that input is wanted from as many people as possible. He concluded by stating that he participated in the flood cleanup and noted the heavy impact of the flood on the Youth Garden Project. He thanked community members and staff who came out to help.

Councilmember Jones reported on a meeting of the community renewable energy agency board and noted he attended one of the visioning focus groups. He said there was enthusiastic participation from a small group of citizens and the consultants did a great job of managing. Jones mentioned a meeting of the Moab Area Housing Task Force at which much of the discussion focused on better community engagement. He reported on a Travel Council meeting and briefly described hotel occupancy rates. He said advertising and grants were also discussed.

Mayor Langianese stated she attended a Moab Regional Hospital focus group and said she met with the new executive director of the Friends of Arches and Canyonlands Parks and Richard Lory, the VISTA employee from the Sustainability Department regarding Dark Skies. She noted she looked forward to getting the community in compliance with the dark sky initiatives. She said she met with Chris Baird and the solid waste special service district to discuss recycling and she met with staff to discuss updated policies and procedures. She said she also met with healthcare specialists from the Canyonlands Healthcare Special Service District. She noted an upcoming presentation to the County Commission on rural sales tax allocation on September 6 that she would not be able to attend.

***Executive (Closed) Session:***

Councilmember Wojciechowski moved to enter an Executive Session to discuss reasonably imminent and/or pending litigation. Councilmember Taylor seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Taylor and Wojciechowski voting aye. Mayor Langianese convened the Executive Session at 8:28 p.m. Councilmember Jones left the meeting. Councilmember Wojciechowski moved to end the Executive Session. Councilmember Taylor seconded the motion. The vote was unanimous and Mayor Langianese ended the Executive Session at 9:11 p.m.

***Adjournment:*** Councilmember Derasary moved to adjourn. Councilmember Wojciechowski seconded the motion. The vote was unanimous and Mayor Langianese adjourned the meeting at 9:12 p.m.

APPROVED: \_\_\_\_\_  
Joette Langianese, Mayor

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