

**MOAB CITY COUNCIL MINUTES**  
**REGULAR MEETING**  
**January 25, 2022**

Moab City Council held its Regular Meeting on the above date. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Annotated § 52-4-207(5)(a), City Council chambers served as a physical anchor location. Audio is archived at [www.utah.gov/pmn](http://www.utah.gov/pmn) and video is archived at [www.youtube.com/watch?v=qmPaSpgHcoM](http://www.youtube.com/watch?v=qmPaSpgHcoM).

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

Mayor Joette Langianese called the meeting to order at 6:04 p.m. Councilmembers Tawny Knuteson-Boyd, Rani Derasary, Kalen Jones, Jason Taylor and Luke Wojciechowski attended remotely. City staff participating included Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Planning Administrator Cory Shurtleff, Parks, Recreation and Trails Director Annie McVay, Planning Administrator Cory Shurtleff, Engineer Chuck Williams, Assistant Engineer Mark Jolissaint and Recorder Sommar Johnson. Attorney Dani Cepernich also joined the meeting remotely.

***Amendment to Agenda—Approved***

***Motion and Vote:*** Mayor Langianese asked for a motion to move the two agenda items dealing with the 398 Kane Creek Boulevard development agreement and rezone to the beginning of the meeting, before Citizens to be Heard. She explained that City attorneys had a timing conflict and this move would allow them to participate in discussion and answer Council questions. Motion and Vote: Councilmember Derasary made an alternate motion, suggesting Council allow the attorneys to speak before Citizens to be Heard, but that Council then proceed with the agenda as published, with Citizens to be Heard and the Kane Creek remaining in their published agenda order. Councilmember Jones seconded the motion. Discussion ensued, with Derasary expressing support for holding Citizens to be Heard before any actions were taken, and others asking if we could confirm if any citizens were waiting to speak to the Kane Creek items. The Mayor called for a vote on the motion, which passed 5-0, with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

***Discussion Regarding Rezone Request and Development Agreement:***

Attorney Cepernich and Planning Administrator Shurtleff answered questions from Council about a rezone request and development agreement for a project proposed at approximately 398 Kane Creek Road. Councilmember Derasary asked about rules regarding active employment households, related proposed code revisions in residential zones, what would happen to units set aside for such residents when vacant or having trouble finding a qualified buyer/renter, about the possibility of getting a higher percentage of units restricted for active employment households than 33%, and for clarity on the difference between contract zoning and zoning by contract.

***Citizens To Be Heard:***

Judy Powers spoke about her concerns regarding perceived “spot zoning” for the proposed development at 398 Kane Creek Road. She stated the City is being held hostage and wanted clarification regarding a residency requirement for ownership. She implored Council to wait for the residential density and active employee household ordinance to be adopted. She recommended a much higher requirement for affordable housing units. She stated her concern that implementation would be difficult, nearby roads are not accommodating, and that it appears the City is being forced into approving the development.

John Weisheit spoke about a 2007 study conducted by the National Academy of Sciences (NAS) regarding the effects of climate change on the Colorado River Basin water supply. He stated the NAS was available to help urban governments solve future water situations. He offered his assistance to the City with regard to the impending water crisis.

Mike Duncan spoke about the water utility resource management plan. He stated there is high local interest surrounding the topic. He spoke about the City's ability to acquire surface water rights and briefly described various controversial studies and noted his impression that the local aquifer was currently at safe yield. He said the studies showing this current level of use are contested by the City's engineer and the Regional Engineer for the Utah Division of Water Rights. Mr. Duncan stated it is the Council's job to set policy, not staff. He expressed skepticism about the outcomes expected of the water utility resource management plan. He said there is finite recharge every year and if he were in a position to make a decision, he would not approve this nebulous proposal. He stated it is not an engineering issue but is a hydrology problem.

**Written Comments:**

Lara Derasary submitted written comments, as follows: I have a number of questions regarding the requested rezone and sketch plan for 398 Kane Creek Blvd. 1) How would this parcel qualify for 161 units given a density allowance of 8-10 units per acre in the R-3. 2) What is the intent of the development agreement? The summary mentions that the R-3 requires affordability for a density allowance, but there is no mention of affordability in the Development Agreement. If the intent of the agreement is for the Active Employee Units to be affordable for local workers (which I think it should be), then I think affordability needs to be clearly defined and tied back to zoning in the development agreement. Density does not equal affordability as illustrated by the new town homes on 100 and 200 South. 3) Who will enforce local occupancy and covenants of the AEU's? Thank you for your consideration of my comments.

Lisa Carter submitted written comments, as follows: Rezone RA-1 to R-3 request by Blue Bison Development Questions and Concerns: Does the development plan significantly affect or alter the adjoining properties or neighbors (esthetics, traffic, property values and taxes)? Is the area to be rezoned going to have only 161 units built on it or 174? I am assuming that roughly 1/3 or approximately 53 units (of the 161) would be for local workers as deed restricted rentals? Meanwhile the other 108 can be sold for market value of 400-635K(?) and be made up entirely of second homeowners who can rent them out for a minimum of 30 days? I guess it is better than zero "affordable" deed restricted units, but can the City get a better deal by requiring half of the units designated for local workers? What would be the cost benefit to the developer if that were the case? What is the cost/benefit with the proposed development agreement? Would the other one acre-parcels that remain in RA-1 be pressured/considered for an up zone at a later date and how would that affect the adjoining properties? Regarding the return of the Walnut Lane Bond: If the City returns the bond how easy will it be for them to acquire a new one when they come up with a bid package for the project? How much, if any, of the progress that was made on the Walnut Lane project can be used going forward (Site plans, infrastructure, etc.)? Interest rates will most likely be going up this year; how will that effect the project funding? Is the current bond amount (\$6,500,000) enough to fund the initial phase of the project given inflation in almost all goods and services required for the project? Other funding sources to be explored? Is the City the only local government entity involved? Seems like the County as well as many other entities will benefit from what is to be "affordable" housing for local members of the work force?

**Public Hearing: Consideration of Location to Construct Pickleball Courts**

**Presentation and Discussion:** Mayor Langianese opened the public hearing at 7:03 p.m. It

was explained the City has successfully applied for a grant for the construction of four pickleball courts and the next step in moving the project forward is site selection for the courts. Parks, Recreation and Trails Director McVay explained that, to assist in the site selection process, a committee of stakeholders had been convened. She said the committee brainstormed several locations and reviewed them against a set of criteria and grant stipulations and the committee recommended Old City Park. She said other sites considered included Swanny Park, the golf course, the high school and Sun Court. Councilmember Derasary asked about Sun Court and the ball fields and Councilmember Jones asked about the golf course site. McVay also explained the terms of the Utah Land and Water Conservation Fund grant of \$80,000.

***Public Hearing:***

Rick Davidson stated pickleball is a diverse sport that has locally involved players aged 16 to 80 years old. He said Old City Park is not adjacent to the City limits but the sport is noisy and that was a consideration of the selection committee. He said the site was perfect for the amount of money available for development. He said the high school tennis court location was good but is not owned by the City as required for the grant. Mr. Davidson stated pickleball is the fastest growing sport in America. He said it brings tourists and is a social sport.

***Written Comments:***

Cort Wright suggested Rotary Park.

Wendy Newman suggested courts in the Spanish Trail Arena complex.

Carter Lloyd wrote: I am a resident of Grand County and big fan of pickleball and would love to see the City add a few courts. This would be a great addition to the community.

Mary Moran wrote: I live right above Old City Park, and only ask that if Old City Park is chosen as the pickleball court location, please leave the park dark at night. If there will be lighting installed for the courts, have them be motion-activated. I appreciate dark skies. Grand County has passed lighting ordinances. However, even within the ordinances, there is no need to have lighting that is on all night. Few people will use the courts after dark, so leave the park dark most of the time so as not to impact me and other neighbors, the nesting birds, and the wild ducks that join the few domestic ones in the pond. Thank you for considering dark night skies if this location is chosen.

Mayor Langianese closed the public hearing at 7:16 p.m.

***New Business:***

***Consideration of Location to Construct Pickleball Courts—Approved***

***Motion:*** Councilmember Jones moved to direct staff to pursue construction of pickleball courts at Old City Park with federal grant funds. Councilmember Knuteson-Boyd seconded the motion.

***Discussion:*** Councilmember Jones stated that, if funding changes, he did not want the City to be locked into the Old City Park location. Councilmember Derasary brought up written comments from the community. Ms. McVay explained that Sun Court is too small and night play at Old City Park was not likely since lighting costs would be prohibitive.

***Vote:*** The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

***Rotary Park Water Feature—Approved***

***Briefing:*** Parks, Recreation and Trails Director McVay described the project. Councilmember Derasary thanked her for her efforts along with the Moab Irrigation Company and the City Water Department.

***Motion and Vote:*** Councilmember Jones moved to approve an Agreement between Moab Irrigation Company and the City of Moab for the Rotary Park Moab Irrigation Company Water Feature. Councilmember Taylor seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

### ***Federal Funding for Transit Project—Approved***

**Presentation and Discussion:** Engineer Williams reviewed the ordinance to procure and authorize staff to pursue the transit shuttle pilot program and noted the contract was signed last year. Councilmember Derasary asked if the free, fixed route, which depended on demand, was to be determined by the operator. American Rescue Plan Act (ARPA) funding was discussed.

**Motion and Vote:** Councilmember Derasary moved to approve **Ordinance 2022-02** amending the City of Moab Municipal Code to Authorize a Transit Pilot Project; authorizing the Mayor to Sign Various Certifications; and authorizing Procurement for System Operators and authorize the Mayor to sign it. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

### ***Transit Pilot Project Policies—Approved***

**Discussion:** Assistant Engineer Jolissaint explained policies must be adopted by the City to be eligible for funding and to establish the transit authority. Councilmember Derasary noted that proposed policies include language from Title VI (of the Civil Rights Act) and from the Americans with Disabilities Act that protect individuals from discrimination on the basis of race, color, national origin and disability. She added that she'd discussed inclusion with staff and residents, and was told she could request that we include policy language to state riders would similarly be protected from discrimination on the basis of other things such as religion, age, gender identity, sexual orientation and more, - essentially all groups we already list in our EOE hiring policies. Derasary expressed the desire for these individuals to have stated protections, and Assistant Engineer Jolissaint noted that policy language could to be expanded to communicate such protections. Engineer Williams stated attorneys, staff and consultants had reviewed the policies. A concern that the Moab Valley Multicultural Center had been overused for translation services was mentioned.

**Motion and Vote:** Councilmember Jones moved to approve **Resolution 02-2022** Adopting Policies in Connection with the Moab Area Transit Pilot Project for Federal Funding. Councilmember Derasary seconded the motion. Councilmember Wojciechowski amended the motion to include nondiscrimination language in the policies. Councilmember Derasary seconded the amended motion. Councilmember Jones approved the amended motion. The amended motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

### ***Water Utility Resource Management Plan MOU—Approved***

**Presentation and Discussion:** Acting City Manager Castle stated the Memorandum of Understanding (MOU) would establish a cost-sharing arrangement for water utility management. She said the water situation is a serious one and she wants the City to get a better understanding about the issue. She said the MOU would require closer coordination with the other public water systems. Castle stated the MOU describes cost-sharing between the City, Grand Water and Sewer Services Agency (GWSSA) and San Juan County to pay for the studies staff has specified. Castle added she included a scope of work in the MOU. Engineer Williams stated he selected a consultant to do the work to provide existing data to consider potential future needs and conditions such as sewer projects, water infrastructure projects and stormwater projects and added this would be the first comprehensive evaluation of surface and groundwater resources in the Valley and would consider needs at 20, 50 and 100-year periods. He acknowledged comments made in Citizens To Be Heard and stated there are opportunities for the City to use a different source of water for irrigation needs, rather than using culinary water. Councilmember Taylor asked if GWSSA and San Juan County had already signed on to the MOU. Councilmember Jones brought up the ongoing visioning process timeline and its potential impact on the proposed scope of the MOU and asked to have staff responses to Council

inquiries stated in the meeting. Councilmember Derasary noted she had several questions, and went on to ask: if colleagues had read Moab Water Conservation and Drought Management Advisory Board (WAB) Chair Arne Hultquist's recent letter; if the WAB had reviewed the MOU; what individuals attend the Water Providers Coalition meetings, noting that information seems hard to find; if the Moab Irrigation Company and well owners in Spanish Valley could attend; and who the 'stakeholders' were. She noted she was asking not just for herself but members of the public who had contacted her with transparency concerns. Staff responded to several questions. Acting Manager Castle noted that it would be inappropriate for the WAB to have input on the MOU, but they could be asked to look at the scope of work. Mayor Langianese asked Rani to wrap it up and requested that Derasary speak to staff if she had additional questions. Derasary explained she was asking questions on behalf of the public, and that it was her understanding that the Council had an obligation to the public to understand water rights and water resources and educate themselves more. She formally asked that the WAB be allowed to review the scope of work and come speak to the Council about its history, role and expertise. The Mayor cut off discussion and called for a motion.

**Motion and Vote:** Councilmember Taylor moved to approve a Memorandum of Understanding to develop a water utility resource management plan. Councilmember Knuteson-Boyd seconded the motion. Councilmember Jones noted his support but added that in reviewing the scope he did think major water rights in the valley, even if they did not belong to Coalition members, needed to be accounted for. The motion passed 4-1 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary voting nay, stating 'I'll be voting against this. As anyone watching the meeting can see, if we're not going to allow more discussion on it, and we're going to cut off discussion, it's not transparent.

### ***Shooting Range Lease Agreement—Approved***

**Presentation and Discussion:** Finance Director and Acting Deputy Manager Billingsley stated the twenty-year lease on the local law enforcement shooting range had expired. Concerns about lead mitigation were discussed, along with a proposal to share costs with other law enforcement agencies for the lease renewal and lead mitigation. Billingsley stated that if the owner wanted to terminate the lease after five years, they would give one year's notice.

**Motion and Vote:** Councilmember Jones moved to approve **Proposed Resolution 03-2022:** A Resolution Authorizing the Mayor to Sign the Amended and Restated Special Use Lease Agreement N. 1342, a Lease with the Utah School and Institutional Trust Lands Administration Authorizing the Use of State Lands for a Police Firearms Training Facility. Councilmember Taylor seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

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

#### ***Community Organization Liaison and Board Assignments—Approved***

**Discussion:** Councilmember Derasary suggested changing the Emergency Medical Services (EMS) board assignment to Councilmember Taylor, and she offered to take on the assignment of GWSSA. The Utah State University advisory board was mentioned, with former Councilmember Mike Duncan as a possible City representative. Mayor Langianese stated her interest in remaining on the board of the Canyonlands Health Care Center Special Services District. The Council's legislative committee was brought up, and Councilmember Jones spoke about upcoming activity for the emergent transit committee.

**Motion and Vote:** Councilmember Jones moved to approve the Community Organization Liaison and Board Assignments with amendments as discussed. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

### ***Return of Bond Revenues—Approved***

**Presentation and Discussion:** Finance Director and Acting Deputy Manager Billingsley outlined the options regarding consideration to return the proceeds of the series 2021 sales tax revenue bond for the Walnut Lane affordable housing project. He said the City is paying more interest than it is earning and said alternate revenue streams could finance Phase I. He referenced the Workforce Assured Housing Ordinance (WAHO) funds along with monies from the American Rescue Plan Act (ARPA). Councilmember Taylor brought up that Phase I would provide only eight units and expressed an interest in using funds to benefit the entire community and not just eight tenants. Councilmember Wojciechowski asked about the ability to fund various projects and asked about eligibility of the Master Lease proposal. Councilmember Knuteson-Boyd thanked Mr. Billingsley for his work. Councilmember Taylor brought up the specter of rising interest rates. Councilmember Jones stated his disappointment but considered return of the bond revenues to be prudent.

**Motion and Vote:** Councilmember Derasary moved to approve return of the proceeds of the series 2021 sales tax revenue bond for the Walnut Lane affordable housing project. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

### ***398 Kane Creek Boulevard Development Agreement—Approved***

**Discussion:** Councilmember Wojciechowski recused himself from the discussion due to his prior work on the Planning Commission. Applicant Jake Satterfield was in attendance. Councilmember Jones stated there was always uncertainty but felt the terms of the development agreement were close enough. Councilmember Taylor concurred and stated the project would provide some workforce housing. Councilmember Knuteson-Boyd stated the proposed development agreement was imperfect and she felt the City was pushed into a corner, and she concurred with Councilmember Jones. Councilmember Derasary stated the development agreement resulted in a giveaway and did not include enough employee housing.

**Motion and Vote:** Councilmember Jones moved to approve a Development Agreement for 398 Kane Creek Blvd Parcel 01-0001-0173 between JSATT CORP, a Utah Corporation doing business as BLUE BISON DEVELOPMENT ("Developer") and the City of Moab, UT. Councilmember Taylor seconded the motion. The motion passed 3-1-1 aye with Councilmembers Jones, Taylor and Knuteson-Boyd voting aye, Councilmember Derasary voting nay and Councilmember Wojciechowski abstaining.

### ***398 Kane Creek Boulevard Rezone—Approved***

**Discussion:** Councilmember Wojciechowski remained recused for the rezone request. Planning Administrator Shurtleff introduced the zoning map amendment that included conditional approval.

**Motion and Vote:** Councilmember Taylor moved to conditionally approve **Ordinance 2021-15**, an Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, and changing 7.51 acres of the subject parcel zone from RA-1 Residential-Agricultural Zone to R-3 Multi-Household Residential Zone, subject to the following condition: in the case that the Development Agreement fails, the conditions that would revert the property to the pre-existing, underlying zone district (RA-1), would follow standard municipal process for a rezone. Councilmember Knuteson-Boyd seconded the motion. The motion passed 3-1-1 aye with Councilmembers Jones, Taylor and Knuteson-Boyd voting aye, Councilmember Derasary voting nay and Councilmember Wojciechowski abstaining. Councilmember Wojciechowski returned to the meeting.

### ***Consent Agenda—Approved***

**Motion and Vote:** Councilmember Jones moved to approve **Ordinance 2022-01:** An

Ordinance Amending Moab Municipal Code 13.24 Rates and Charges, and Minutes of the January 11, 2022, Regular City Council Meeting. Councilmember Knuteson-Boyd seconded the motion. Councilmember Derasary stated she sent corrections to the minutes to the Recorder. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

**Administrative Reports:**

Acting City Manager Castle stated the City had reintroduced the Community Contributions grant program for local nonprofits and noted the March 1 application deadline. She also announced ongoing construction on the Mill Creek waterline with traffic constraints at 400 East and Mill Creek Drive. She brought up dates for a team-building event and apologized for the City's phone lines being out of order. Finance Director and Acting Deputy Manager Billingsley presented the City's financial statement.

**Mayor and Council Reports:**

Councilmember Taylor announced he had visited the new EMS building and said calls were up 18 percent. He acknowledged letters from off-highway vehicle rental agencies and noted company owners want clarification.

Councilmember Derasary stated she participated in meetings regarding the national groundwater monitoring network and System of Care, and noted the Uranium Mill Tailings Remedial Action (UMTRA) Moab project site had a new deputy director. She stated the Colorado River was expected to reach peak flows in March and brought up public art sculptures celebrating the Old Spanish Trail in Green River, and mentioned efforts to change code regarding evictions for owners of manufactured homes.

Councilmember Knuteson-Boyd mentioned meetings of the Canyonlands Health Care Special Services District, the Museum board and the Housing Authority and stated she participated in a land use workshop.

Councilmember Wojciechowski stated he participated in a meeting of the mechanical advisory committee and spoke about a need for better regulation or oversight of heating and cooling systems.

Mayor Langianese reported she attended the land use workshop, and met with the hospital director to discuss healthcare employee housing. She stated she met with City and County representatives, as well as the City's lobbyist, and Jayne May and her attorney Happy Morgan.

**Approval of Bills:**

**Motion and vote:** Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$835,437.64. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

**Adjournment:** Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Wojciechowski seconded the motion. Mayor Langianese adjourned the meeting at 9:30 p.m.

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

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