DRAFT

MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING
HELD WEDNESDAY, SEPTEMBER 10, 2025,
AT THE CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH

MEMBERS PRESENT: Mayor Barbara Bruno, Council Members Randy Aton, Jack Burns, Pat Campbell, and Kyla Topham
ALSO PRESENT: Town Attorney Greg Hardman, Town Manager Rick Wixom, Director of Community Development Thomas Dansie, Deputy Clerk Robin Romero, and Town Clerk Aren Emerson, recording.

The Special Meeting convened at 4:04 PM.

Approval of the Special Meeting agenda

Randy Aton made a motion to approve the Special Meeting Agenda. The motion was seconded by Kyla Topham.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

A. Closed Session

Randy Aton made a motion to enter a closed session for a strategy session to discuss pending or reasonably imminent litigation. The motion was seconded by Kyla Topham.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

B. Action Required by Closed Session

Randy Aton made a motion to direct staff to take the action discussed in the closed session. The motion was seconded by Kyla Topham.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

C. Adjourn

Kyla Topham made a motion to adjourn the special meeting at 04:53 pm. The motion was seconded by Randy Aton.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

MEMBERS PRESENT: Mayor Barbara Bruno, Council Members Randy Aton, Jack Burns, Pat Campbell, and Kyla Topham
ALSO PRESENT: Town Manager Rick Wixom, Director of Community Development Thomas Dansie, Deputy Clerk Robin Romero, and Town Clerk Aren Emerson, recording.

The Regular Meeting convened at 5:00 PM.

Mayor Bruno led the Pledge of Allegiance.

Approval of the Regular Meeting Agenda

Kyla Topham moved to approve the Regular Meeting Agenda. The motion was seconded by Pat Campbell.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

A. Announcements/Information/Community Questions

1. **General announcements**

Parks and Recreation Director Ryan Gubler announced that as part of the September 11th National Day of Service, volunteers would meet at the Jolley-Gifford Cemetery at 8:00 a.m. on Thursday, September 11th, to help clean headstones. He noted this annual event was held to honor those who lost their lives on September 11, 2001.

A community blood drive will be hosted at the Canyon Community Center on Friday, September 12th, from noon to 5:00 p.m. Walk-ins are welcome, but advance sign-ups are encouraged at redcrossblood.org.

On Sunday, September 14th, the Canyon Community Center will host NASA Astrophysicist Dr. Jessie Christiansen, who will give a lecture on exoplanets, followed by a public stargazing event with telescopes.

Police Chief Garen Brecke announced the “Emergency Preparedness” fair on Thursday, September 18th, from 4:00 to 6:00 p.m. on the ballfield. Food trucks, information booths, and emergency services representatives will be present, with food vouchers provided for attendees.

2. **Zion National Park update – Superintendent Bradybaugh**

Superintendent Jeff Bradybaugh provided an update on Park operations:

- Beginning Monday, September 15th, the shuttle schedule will shift to begin an hour later and end an hour earlier; times are posted on the Park's website.
- The Weeping Rock Trail and shuttle stop have reopened following repairs from the 2019 rockfall.
- The Kayenta Trail will remain closed during September for maintenance, though access to Emerald Pools remains open via the main Emerald Pools Trail.
- Visitation for August 2025 increased 2.4% compared to August 2024. Year-to-date visitation through August 31st is up 9.3% compared to 2019 (pre-pandemic).

3. Remembrance of Retired Chief Kurt A. Wright

Police Chief Garen Brecke gave a remembrance of retired Springdale Police Chief Kurt Wright, who passed away at the end of August. Chief Wright began his law enforcement career with the Washington County Sheriff's Office in the 1980s, serving as a patrol and K-9 Deputy for many years. He always had a passion for Springdale and began his service as a part-time town marshal in Springdale in April 1992. Kurt had a deep sense of duty and a strong commitment to keeping the community safe. He was appointed full-time Police Chief of Springdale in July 2002 and served until his retirement in 2015. Chief Brecke highlighted Chief Wright's kindness, commitment to public safety, and his long-lasting impact on the community. On behalf of the Town of Springdale and the Springdale Police Department, Chief Brecke expressed deep gratitude for his service and noted that his legacy of trust and care will remain part of Springdale.

4. Council department reports questions and comments

Chief Joe Decker of the Hurricane Valley Fire District announced the 9/11 event happening in Hurricane with the raising of the flag and a pancake breakfast following.

Chief Decker provided comments regarding Ordinance 2025-16 (fireworks and open burning restrictions):

- He expressed the District's support for the ordinance, stating the canyon environment is unsafe for fireworks or open burning.
- In response to questions, he explained that state law allows local authorities to be stricter than the countywide burn window (September 15–November 15). He confirmed the fire district would not issue permits if the town prohibits burning.
- Responding to a question from Mr. Burns, Chief Decker described the challenges of balancing agricultural burn needs with safety and air quality regulations. He offered fire district assistance in supervising large debris burns for residents with larger parcels, at no cost to in-district landowners.
- Responding to a question from Mr. Campbell, Chief Decker emphasized that conditions were still very dry and the canyon's conditions can potentially make fireworks uniformly unsafe, and assured the council of the district's support of the proposed ordinance on the agenda.

Chief Decker reported that Governor Cox added the district's sales tax initiative to the upcoming legislative special session agenda. If approved, the measure would allow the district to reduce the recent property tax increase. He explained the timing means collections would not begin until the second quarter of 2026.

He also reviewed House Bill 48, requiring municipalities to adopt the 2006 Wildland Urban Interface Code by year-end. He noted the law is still undergoing rulemaking, but municipalities must prepare WUI maps and enforce defensible space requirements.

5. Community questions and comments

Shalyse Heaton spoke about her husband, Phyllip Heaton's, federal conviction for tax evasion (item C1 on the agenda). She explained that federal taxes were underreported from 2017 to 2022 by 15%. Ms. Heaton emphasized that Phyllip would be the first to admit his mistakes. Mr. Heaton hired three forensic accountants to help identify the mistakes made, paid all federal and state taxes in full, along with the maximum fines determined by the IRS, and accepted a plea deal to protect his business, employees, and family. She explained that Mr. Heaton did not have criminal intent. She highlighted that the formal complaint came from a local competitor. She asked the Council not to revoke the Zion Outfitter business license, stressing its importance to employees and the community.

Robyn Chancey urged caution regarding the proposed transfer of the Trapper Circle property to Switchpoint (item C6 on the agenda), expressing concern that the two-week deadline was driven by the applicant's funding requirements rather than the Town's needs. She explained the massive complexity behind these projects and thought it was reckless for the Council to move ahead with a new entity in a two-week period.

Chris Johnson commented briefly in support of allowing repair work on a non-complying building (Item C3 on the agenda), citing safety and structural stability as the primary motives.

Nathan Crane (attorney representing Zion Outfitters related to item C1 on the agenda) expressed gratitude for the business's partnership with Springdale since 2011. He explained that the 15% referred to by Ms. Heaton pertained to the parking lot and coin-operated showers. He described the confusion about federal law requiring the parking lot to be counted as income, but not sales tax under federal income tax, which led to this. Mr. Crane stated that letters have been submitted along with a forensic report from their CPA to the town. He encouraged the Council not to revoke the business license.

Bryce Jones spoke in support of Philip Heaton's character and contributions, emphasizing that he has always acted with integrity and corrected mistakes. He cautioned against setting a precedent of license revocation for unintentional errors.

Noel Benson urged the Council to consider the past flexibility granted to Flanigan's on non-conforming structures when deciding on a current application and not deny a resident the opportunity to reside in their forever home in Springdale.

Gil Kiefer, as the Bike Liaison, expressed concerns with Zion Outfitters' compliance with bicycle safety regulations, noting delays in meeting Class 1 e-bike standards for Zion National Park and reluctance to install bells and safety mirrors on their bikes. He stated they were possibly his "worst customer" in terms of meeting the Park's regulations for safety.

Kacey Jones praised the Council's thoughtful approach at the August 13th meeting and described her positive professional experiences with Zion Outfitters, noting their growth has been organic and not driven by aggressive promotion.

B. Consent Agenda

The Consent Agenda consisted of the following items:

1. Review of Monthly Purchasing Report
2. Minutes: August 13, 2025, and August 26, 2025
3. Proclamation 2025-05: Proclaiming September 17-23, 2025, as Constitution Week in Springdale

Jack Burns made a motion to approve the consent agenda. The motion was seconded by Randy Aton.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye

Burns: Aye
The motion passed unanimously.

C. Administrative Action Items

1. ***Continued from August 13, 2025, Town Council Meeting*** **– Possible Direction to Town Staff to begin the Business License Revocation Process for Zion Outfitters, located at 7 Zion Park Boulevard, Springdale, UT, Per Town Code 3-1-12. Staff Contact: Aren Emerson**

Town Attorney Greg Hardman introduced the item. He recalled that during the August 13, 2025, Town Council meeting, the Council directed him to obtain official court documents related to the federal case involving the owner of Zion Outfitters, Phyllip Heaton. He confirmed that those documents, the indictment, plea agreement, and judgment, had been provided. Mr. Hardman outlined the steps required if the Council chose to move forward: the Town would issue written notice of an administrative revocation hearing, provide due process for the licensee, including the right to counsel and witnesses, and then determine whether to revoke the business license after receiving evidence. He emphasized that the ordinance language is discretionary, not mandatory, and that the sole decision before the Council tonight was whether to advance to that next procedural stage to pursue the revocation process. This was not a determination of revoking the license at this meeting.

Mayor Bruno acknowledged receipt of the letters sent to the town regarding this agenda item.

Mr. Aton asked whether the court documents provided to the Council, copies of the indictment, plea agreement, and judgment, were the same materials that would be presented at an administrative hearing. Mr. Hardman confirmed they were public records and would form part of the evidence in any hearing.

Mr. Campbell raised a procedural concern, wondering whether by declining to move the matter to a hearing, the Council would, in effect, be denying the Town itself due process.

Mayor Bruno recalled that at the prior meeting, the Council had agreed that the primary question was whether Springdale had been financially harmed. She emphasized that the forensic accountants' report had certified that all sales taxes owed to the State of Utah had been properly remitted, and therefore, the Town had not been deprived of revenue.

Mr. Burns asked whether the affidavit and accounting summaries the Council had received were sufficient to establish that the Town was not harmed. He noted that even if the matter proceeded to a hearing, he doubted additional evidence beyond what was already provided would emerge.

Mr. Campbell replied that while he was comfortable with the documents, he would feel more confident if the evidence were presented in a formal hearing.

Mr. Aton said he understood Mr. Campbell’s point but agreed with the Mayor that the Council already had adequate documentation, including the forensic report and affidavit, to establish that the Town was not financially harmed. He believed requiring a hearing would unnecessarily prolong uncertainty for the business and its employees.

Ms. Topham addressed the issue of whether a hearing was needed. She stated that the affidavit from the forensic investigator, who had longstanding professional credentials, was sufficient. She expressed concern that a public hearing might devolve into disputes or character attacks. She reiterated that the Council’s duty was to determine whether the Town had been harmed, and the forensics report showed that it had not.

Mr. Campbell returned to the issue of intent. He noted that the federal indictment repeatedly referenced “intent,” yet letters submitted on behalf of Mr. Heaton stated there had been no intent. He asked why federal prosecutors would emphasize intent if they did not believe it existed, and observed that this inconsistency troubled him.

Mr. Burns understood Mr. Campbell's concern about the town doing its due diligence. He emphasized Mr. Hardman's introduction that the ordinance is discretionary. He was unsure that a hearing would produce more evidence than what was already provided to the Council.

Mr. Burns asked whether, if new information were to come to light in the future, the Council could revisit the matter even if they declined to move forward tonight. Mr. Hardman confirmed that because the ordinance is discretionary, the Council could reopen the question if new facts or circumstances emerged.

Kyla Topham made a motion that the Springdale Town Council will not begin the business license revocation process for Zion Outfitters, located at 7 Zion Park Boulevard in Springdale, as discussed in the September 10, 2025, Town Council meeting, unless new information is received. The motion was seconded by Pat Campbell.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

2. **Local Consent Request for a Banquet Liquor License for Flanigan's Inn, Located at 450 Zion Park Boulevard, Springdale, UT. Applicant: Cade Campbell. Staff Contact: Aren Emerson.**

Town Clerk Aren Emerson introduced the item. Cade Campbell requested a local consent for a banquet liquor license for Flanigan's Inn. An on-premises banquet license allowed the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities or contracted privately sponsored events on the premises of a hotel.

Ms. Topham asked what this was specifically for. Mr. Campbell explained that the Compliance Officer of DABS, Rob Hansen, was directing Mr. Campbell to this license. It was for contracted banquets, but would also be used for restaurant service, room service, spa services, and the hotel.

Pat Campbell made a motion that the Town Council, acting as the local business licensing authority, has reviewed the local consent request on September 10, 2025, and grants consent to the Alcoholic Beverage Services Commission to consider the issuance of an on-premise retail alcohol license. The license would allow a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant, under the following authorities: Utah Code Sections 32B-1-202, 32B-5-201, 32B-5-203, 32B-5-205, and 32B-5-206, to Flanigan's Inn Incorporated, located at 450 Zion Park Boulevard, Springdale, Utah, and directs the Mayor to sign. The motion was seconded by Jack Burns.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

3. **Land Use Ordinance Interpretation: Request for an Interpretation of Sections 10-21-3 and 10-21-8 of the Town Code Regarding Repair, Maintenance, and Removal of a Non-Complying Building. Applicant: Luke Wilson. Staff Contact: Thomas Dansie.**

Director of Community Development Thomas Dansie introduced the item, reminding the Council that the land use ordinance gives the Town Council authority to interpret the code when ambiguity exists. The ordinance that allows the Council to make an interpretation outlines that the interpretation should be consistent with the purposes and objectives of the land use ordinance. He explained that this request stemmed from uncertainty in the application of Sections 10-21-3 and 10-21-8, which govern the repair, maintenance, and removal of non-complying (non-conforming) buildings.

Mr. Dansie noted the background in the staff report: the applicant had undertaken work on a non-complying structure that involved the removal of the building. The question was whether such removal could be interpreted as “ordinary maintenance and repair” or “complete removal or demolition,” which would terminate non-conforming rights. He emphasized that the decision tonight was not about approving a development application but rather providing a binding interpretation of the code that would apply townwide.

He outlined the scope of the Council’s role: to determine what constitutes “removal” of a non-conforming building and what falls under “ordinary maintenance.” He also noted that regardless of how the Council interpreted the code, the next agenda item would allow the Council to direct the Planning Commission to begin work to clear up any ambiguities or broaden the language from these sections for the future.

Mr. Burns asked the staff about Section 10-8, which the staff report cited in connection with demolition. He pointed out that the Town does not appear to have a demolition permit process. Mr. Dansie confirmed that while the land use code references demolition, the Town does not issue formal demolition permits. Instead, regulation of demolition is typically covered by the building code, which addresses means, methods, and safety. He acknowledged that this gap creates ambiguity and said this was one reason the Council’s interpretation was being sought.

Mr. Campbell asked what the Town’s definition of a “building” was. Mr. Dansie responded that the code defines a building as “four walls and a roof.” Mr. Campbell then asked whether something as minimal as four walls and a roof sitting on the ground would be compliant with the building code. Mr. Dansie explained that the building code requires more, such as foundations, footings, structural systems, and utilities.

Mayor Bruno asked about the formal process for projects, noting that the removal of all the walls had not been included in the approved plans. Mr. Dansie referred back to Mr. Burns’ earlier comments regarding the lack of a demolition permit process, explaining that the applicants were not out of compliance with their original DDR approval. He clarified that the design development review drawing was intended to illustrate the applicants’ intent but was not a binding document.

Mr. Campbell read an excerpt from another city’s code, which defined a building to include the foundation and below-ground structure. He believed that the building had not been completely removed.

Mr. Burns stated that the foundation was an integral part of the building. He disagreed that the removal of the superstructure (the above-ground portion) could be classified as maintenance. He expressed concern that the Town Code did not specifically address this type of situation. Mr. Burns suggested that a building should only be considered removed once both the superstructure and foundation had been taken out, as they were dependent on one another. He proposed that the Planning Commission consider adopting specific code language to clearly distinguish between demolition and maintenance, including thresholds that would trigger a demolition classification and require a permit process. He further recommended strengthening the rehabilitation, renovation, or alteration provisions to prevent situations where both the superstructure and foundation could be removed under those allowances.
Mr. Campbell noted that some communities use percentage triggers, where removal of more than a certain percentage of a structure counts as demolition.

Mr. Aton asked about the precedent established in similar situations. He referenced a public comment regarding another property in town and clarified that, in that case, the entire building had not been removed. He noted that the Town owned a property intended for use as a history center, which had

sustained significant structural damage and ultimately had to be demolished. In that circumstance, the non-conforming use was lost, and the Town redeveloped the property in a way that avoided setting a negative precedent. He expressed his view that the current case constituted the removal of a building.

Mr. Burns stated that in the current proposal, the foundation remained in place and the applicant intended to rebuild on the existing footprint. He reasoned that if the foundation is considered part of the building, then the building had not been fully removed, and construction could proceed.

Mayor Bruno acknowledged the difficulties presented by the absence of a defined demolition process in the code, but emphasized that plans submitted to the Town that identified what was being replaced could be expected to be followed. She observed that the work performed appeared closer to demolition than to a remodel and questioned whether a foundation alone should be considered a building. She clarified that she did not oppose the proposed rebuild itself but expressed concern about the precedent such an interpretation might establish for future projects.

Mr. Burns noted that under the current code, expansion beyond the existing footprint was not permitted, which he felt may help address concerns about precedent.

Mr. Campbell expressed concern about how future cases involving significant structural damage or deterioration would be handled. He questioned whether it was more practical to require owners to replace walls one at a time instead of allowing them to remove and rebuild on the same footprint. He stated that he did not see a precedent being set that would allow property owners to remove a home entirely and replace it with a substantially different structure on the same foundation.

Ms. Topham pointed to the ambiguity in the code but expressed reassurance that the Planning Commission would review the applicable sections. She observed that if a non-conforming building were destroyed by fire or flood, the Town generally allowed it to be rebuilt on the same foundation without loss of rights. She reasoned that the same principle should apply in this case, since the footprint was not being expanded and the non-conformity was not being increased. She stated that rebuilding on the existing foundation should be treated as maintenance. Mayor Bruno agreed, noting that property owners should not be penalized for making safety-related repairs.

Mr. Aton referred to the staff report and emphasized that the Council's role was to determine whether the removal of the building constituted ordinary maintenance. He pointed out that staff had determined that complete demolition of all framing was considered removal of the building.

Mr. Burns stated that interpreting the code was challenging because it did not address whether a foundation was part of the building. He explained that the Council needed to determine whether the structure had in fact been removed, taking into account the extent of demolition and whether the foundation should be considered a component of the building. Since the foundation and utility connections remained, he believed the building had not been removed.

Mr. Campbell agreed that the building had not been removed in its entirety. He recalled that the history center property had foundational issues, which contributed to the Town's decision not to move forward with it. Based on that example, he concluded that the foundation should be considered part of the building.

Paul Blackmore, speaking on behalf of the applicant and property owners, described the history of work done on the property. He emphasized that the building footprint and plans had not changed. The foundation, framed floor, and crawlspace remained intact. The components removed were taken down for reasons of safety and structural integrity, not to enlarge or intensify the use. He believed they were within the confines of the building permit.

He explained that the project was always intended as repair and reconstruction on the existing footprint. He asked the Council to interpret the code in a manner that would classify the work as "ordinary maintenance and repair" rather than "removal." He emphasized that the property owner had not

attempted to avoid regulations and that proceeding under the category of repair would be consistent with how the Town has addressed other non-conforming structures. He observed that other properties in Town may face similar issues with rot and compromised structural integrity. He recommended that future demolition plans include reports and data from engineers, but noted that such documentation was not required in this case because the code did not outline a demolition process.

Mr. Burns expressed concern that the approved plans indicated which walls were to remain and questioned why the Town was not informed when the plans changed.

Mr. Blackmore asked whether Town staff had been present on-site. Mr. Dansie explained that, because there was no active building permit at the time, the building inspector was not conducting regular inspections. The inspector happened to be on site when the final portion of the garage was being removed, which was when the Town became aware of the extent of the work.

Mr. Blackmore commented that the code contained no process requiring applicants to notify staff under these circumstances.

Mayor Bruno referred to Ms. Topham's earlier comments that a non-conforming structure destroyed by fire or flood would typically be allowed to rebuild on its foundation. She stated that structural damage from rot should likely be treated in the same manner. Mr. Campbell expressed agreement.

Mr. Aton also agreed but noted he would have preferred the applicants to contact staff once they realized the building would need to be removed.

Mr. Burns asked whether the Design/Development Review (DDR) process required applicants to notify the Town if their plans deviated from those initially submitted. Mr. Dansie explained that the DDR process did not address details such as replacement of new versus old materials, but rather ensured compliance with broader requirements such as lighting, setbacks, landscaping, and building height.

Town Attorney Greg Hardman clarified the interpretation process. He explained that if the Council was uncomfortable interpreting the removal as "maintenance," they could deny the request and instead direct the Planning Commission to amend the code to define the foundation as part of a building and to explicitly recognize structural damage from rot as an exception comparable to fire or flood.

Mr. Blackmore added that in this case, the foundation and essential elements remained intact, and the approved footprint had not changed. He stated that what had been approved would still be built and suggested that the Town outline a process to guide applicants in similar future circumstances.

Chris Johnson addressed the Council, stating that the purpose of the work was safety-related, as the structure needed stabilization. He urged the Council to allow the project to proceed, emphasizing that the work was not an effort to avoid regulations but to prevent the building from becoming unsafe.

Robyn Chancey also addressed the Council and emphasized that the project did not expand the footprint and was consistent with the original intent. She stated that the applicants were not attempting to increase the non-conformity.

The Council determined that, because the foundation and crawl space remained, the building had not been removed in its entirety. The Council further determined that, under the definition of maintenance, structural damage caused by rot qualified as maintenance.

Pat Campbell made a motion that the Town Council has reviewed the issues related to the town codes 10-21-3 and 10-21-8 and makes the following findings:

1. **Under 10-21-3, there is ample ambiguity regarding the term "removed" as it relates to building or structure, such that it should be clearly and specifically redefined in code.**

2. **The term removed should be clarified to consider whether this includes the entire structure, meaning the physical dismantling and disposing of all above and below ground portions, including the foundation, or some other combination thereof.**
3. **Under 10-21-8(A), there was ample ambiguity regarding the term ordinary maintenance and repair, such that it should be specifically redefined in code with the following questions:**
    - **If a non-conforming building is allowed to deteriorate to an unsafe condition, can it simply be rebuilt under maintenance and repair provisions, or must it conform to current zoning?**

The motion failed due to a lack of a second.

The Council discussed that the motion was appropriate for the next agenda item.

Regarding the request for interpretation of Sections 10-21-3 and 10-21-8 of the Town Code concerning repair, maintenance, and removal of a non-conforming building, Ms. Topham made a motion to interpret that removal of the entire structure falls within the definition of ordinary maintenance in the Springdale Town Code, because the foundation and utilities remain in place as discussed at the September 10, 2025, Town Council meeting.

This motion is based on the following finding:

1. **The building will be rebuilt on the existing foundation and will not increase the non-conformity.**

The motion was seconded by Pat Campbell.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: No
The motion passed 4:1.

Mr. Burns suggested having this item in two separate motions. He explained that he voted “no” because, although he agreed with the first interpretation, he did not agree with the entirety of the motion.

4. **Direction to the Planning Commission to Revise Section 10-21 of the Town Code Relating to Repair, Maintenance, and Removal of a Non-Complying Building. Staff Contact: Thomas Dansie.**

Pat Campbell made a motion that the Town Council has reviewed the issues related to the town codes 10-21-3 (non-complying buildings and structures) and 10-21-8 (maintenance, repair, alteration, and improvements to non-complying buildings or structures)and makes the following findings:

1. **Under 10-21-3, there is ample ambiguity regarding the term “removal” as it relates to a building or structure, such that it should be clearly and specifically redefined in code and directs the Planning Commission to consider the following:**
    - **The term removed should be clarified to consider whether this includes the entire structure, meaning the physical dismantling and disposing of all above and below ground portions, including the foundation, or some other combination thereof.**
2. **Under 10-21-8(A), there was ample ambiguity regarding the term ordinary maintenance and repair, such that it should be specifically redefined in code and directs the Planning Commission to consider the following questions:**
    - **If a non-conforming building is allowed to deteriorate to an unsafe condition, can it simply be rebuilt under maintenance and repair provisions, or must it conform to current zoning? And to further decide what of the deterioration is involuntary.**

- **If a building is demolished, does the remaining foundation hold claim to the original non-conforming building conditions?**

The Town Council herein directs the Planning Commission to consider these points and others they deem necessary and provide Council with proposed revisions to these code sections to make the interpretations explicit.

The motion was seconded by Kyla Topham.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

5. **Resolution 2025-09: A Resolution of the Springdale Town Council Adopting the Updated Corridor Management Plan for the Zion Scenic Byway. Applicant: Emily Friedman on behalf of the Zion Regional Collaborative. Staff Contact: Thomas Dansie.**

Mr. Dansie provided an overview of the resolution, explaining that the Springdale Town Council is being asked to adopt a resolution expressing the town's commitment and intent to participate in the implementation of the updated corridor management plan for the Zion Scenic Byway. He clarified that the corridor management plan is a nonbinding, non-regulatory document and does not obligate the town to take any specific actions.

Mr. Dansie noted that the adoption of this resolution by the Council, combined with resolutions from other communities along the byway, will be forwarded to the state legislature. The state legislature's adoption of a joint resolution of support is a prerequisite for the application for National Scenic Byway designation. He also indicated that the Council members were likely familiar with the scenic byway program and the public workshop where the update was discussed. He offered to answer questions regarding the plan.

Council discussion included comments expressing support for the plan. They recognized the extensive effort involved in developing the plan and acknowledged the community input and meetings that contributed to the final product.

Kyla Topham made a motion to approve Resolution 2025-09, a resolution of the Springdale Town Council, which adopts the updated Corridor Management Plan for the Zion Scenic Byway as discussed during the September 10, 2025, Town Council meeting, and directs the Mayor to sign. Randy Aton seconded the motion.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

6. **Discussion and Possible Approval of a Letter of Site Control Authorizing Switchpoint Community Resource Center to Begin Taking Steps to Develop Parcel S-100-C (at the end of Trapper Circle) with Multi-Family Residential Housing. Staff Contact: Thomas Dansie.**

Tom Dansie introduced the agenda item, explaining that the Council is being asked to consider authorizing Switch Point Community Resource Center to begin steps toward developing parcel S-100-C at the end of Trapper Circle for multifamily residential workforce housing.

Mr. Dansie provided background on the parcel, explaining that several years ago, the Town issued an RFP to identify a partner to assist with the development of the Red Hawk properties, as well as the Trapper Circle parcel, both intended for workforce housing. Mountain Country Home Solutions was selected as the Town's partner for these properties. However, due to unforeseen delays with the Red Hawk project, no work has yet been undertaken on the Trapper Circle parcel. Mr. Dansie noted that, beyond the initial selection process, there has been no formal agreement with Mountain Country Home Solutions regarding this parcel.

The Town explored alternative partners and identified Switch Point Community Resource Center as a potential partner for this project. Representatives from Switch Point met with the Mayor and staff and expressed interest in developing workforce housing on the site. Mountain Country Home Solutions has expressed support for Switch Point taking the lead on the project.

Mr. Dansie explained that a funding opportunity exists with a deadline of October 1, but emphasized that this deadline was not imposed by Switch Point and was flexible. Mr. Dansie noted that representatives from Switch Point expressed interest in the project regardless of whether the funding deadline was met. The purpose of the Council discussion was to determine whether to engage Switch Point as a partner and to provide staff with direction on how to proceed.

Mayor Bruno noted that she initially reached out to Switch Point, which was responsive and able to meet quickly. They expressed interest in the project and mentioned a funding opportunity with an upcoming deadline that could support the development. Mayor Bruno emphasized that the Council had the flexibility to move at its own pace.

Mr. Campbell asked if the town was obligated to pursue the partnership with Switch Point if they approved the letter tonight. Mr. Dansie said the letter of site control would be intended to be fairly binding to allow them to pursue the funding opportunity.

Ms. Topham inquired whether Switch Point would be prepared to begin the grant process if the Town decided to move forward with them. Mr. Dansie responded that Switch Point is willing to proceed at a pace comfortable to the Town. She supported a special meeting to learn more from representatives from Switch Point.

Mayor Bruno added that the Trapper Circle property is located in the Central Commercial zone, which allows for the proposed density without requiring a workforce housing overlay. She noted that Switch Point has experience developing workforce housing in Moab and St. George and emphasized their familiarity with securing funding and managing such projects. Mayor Bruno stated that this type of development aligns closely with the Town's goals for workforce housing.

Mr. Burns expressed disappointment with Mountain Country Home Solutions, noting that the Council and community had placed a high level of confidence in that organization based on previous presentations. He remarked that it is disappointing that unforeseen delays have prevented progress on the Trapper Circle parcel and that the Council had not been kept fully informed about the challenges, necessitating consideration of alternative partners. He noted that upon exploring Switch Point's website, there was no indication that they provided workforce housing developments.

Council members discussed the importance of meeting with Switch Point before committing to a site control letter in order to understand their approach and ensure it aligns with the Town's vision for workforce housing. They noted potential risks due to limited information on Switch Point's workforce housing experience, given the organization's primary focus on homeless services, and emphasized the need to prioritize housing for the local workforce. The Council also considered the October 1 funding opportunity, recognizing that the site control letter does not constitute a formal sale or binding agreement at this stage and that they retain discretion to move quickly or proceed more deliberately. The Council discussed scheduling a special Council meeting in September to meet with Switch Point representatives

to determine whether to pursue the funding opportunity, while ensuring alignment with community expectations.

Tom Kenaston, Chair of the Planning Commission, addressed the Council at the conclusion of the item. He expressed support for moving forward with exploring the project with Switch Point, while emphasizing the importance of reviewing details carefully. Mr. Kenaston noted that the Council should ensure the project aligns with the town's workforce housing goals, including prioritizing local workforce occupancy, and stressed the value of using the special meeting to thoroughly vet Switch Point before any commitment is made.

D. Legislative Item

1. **Ordinance 2025-16: An Ordinance Amending Ordinance 2025-07 Prohibiting Open Fires and the Discharge of Fireworks in the Town of Springdale During the 2025 Fire Season. Staff Contact: Rick Wixom.**

Town Manager Rick Wixom introduced Ordinance 2025-16, which amends Ordinance 2025-07, adopted this summer, to extend fire and fireworks restrictions in Springdale. He explained that the Fire Chief had indicated that the fire environment remained challenging and that no formal stage one or stage two fire designations had been issued, but conditions were still tenuous. Mr. Wixom also noted that neighboring agencies were adjusting fire restrictions based on recent moisture from monsoon rains.

The Council discussed options for extending the ordinance. Mr. Wixom noted the ordinance language allowed flexibility for the Council to set a specific end date. Members debated whether to make fireworks restrictions permanent, environmentally conditional, or extended to a fixed date. It was emphasized that open fires in approved fire pits, particularly in campgrounds, could still be allowed under controlled conditions, aligning with the Fire District's regulations.

The Council highlighted the need to align restrictions with local safety concerns, rather than relying solely on state-designated fire zones. There was support for extending open fire restrictions to October 15, 2025, and fireworks restrictions to January 15, 2026, to cover the peak holiday period while protecting community safety.

After discussion, the Council moved to amend Ordinance 2025-07 as follows:

- Section 4-9-2 (fireworks prohibited) – end date revised to January 15, 2026.
- Section 4-9-3 (open fires prohibited) – end date revised to October 15, 2025.
- Section 4-9-5(c) revise the end date to October 15, 2025.

Randy Aton made a motion to adopt Ordinance 2025-16, amending Ordinance 2025-07 to prohibit open fires and the discharge of fireworks in the Town of Springdale during the 2025 fire season, with the following revisions:

1. **In section 4-9-2, the end date will be January 15, 2026.**
2. **In section 4-9-3, the end date will be October 15, 2025.**
3. **In section 4-9-5(C), the end date will be October 15, 2025.**

Pat Campbell seconded.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

E. Administrative Non-Action Items

1. **General Council Discussion**

There was no further discussion.

F. Adjourn

Randy Aton made a motion to adjourn at 08:12 p.m. The motion was seconded by Kyla Topham.

Vote on the motion:
Topham: Aye
Campbell: Aye
Bruno: Aye
Aton: Aye
Burns: Aye
The motion passed unanimously.

_____
Aren Emerson, Town Clerk

APPROVAL: _____ DATE: _____

A recording of the public meeting is available by accessing the Town's YouTube channel at https://www.youtube.com/@SpringdaleTownPublicMeetings.

DRAFT