



118 Lion Blvd PO Box 187 Springdale UT 84767 * 435-772-3434 fax 435-772-3952

**MINUTES OF THE SPRINGDALE TOWN COUNCIL REGULAR MEETING ON WEDNESDAY, MARCH 11, 2015
AT 5:00 PM AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH**

MEMBERS PRESENT: Mayor Stanley J. Smith, Councilmembers Mark Chambers, Adrian Player, Bill Weyher, Mike Alltucker

ALSO PRESENT: DCD Tom Dansie, Associate Planner Mounita Kundu, Town Treasurer Dawn Wallace, Administrative Assistant Pam Humphreys, Public Works and Utility Supervisor Robby Totten and Town Clerk Darci Carlson recording; See attached list for citizens signed into the meeting

EXCUSED: Town Manager Rick Wixom

Pledge of Allegiance led by Shirley Smith.

Approval of agenda: Motion made by Mark Chambers to approve the agenda as posted; seconded by Adrian Player.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Discussion/Announcements/Non-action items

Mayor Smith announced that after two years Judge Shipley made a ruling on the Izzy Poco case against the Town of Springdale. Essentially neither party won or lost. The case was dismissed because of standing. The Southern Utah Independent wrote an article if people were interested in getting more details. Mayor Smith indicated there were a few scenarios moving forward: Izzy Poco may do nothing; they may decide to appeal the ruling within thirty days; they may reapply with the Town for another business license. There was no ruling on any ordinances; the decision was procedural.

Mayor Smith provided an update on the fiber optic project. He indicated First Digital was still going through the permitting process. They were waiting on UDOT's approval.

Regarding the street light project, Mayor Smith said it was progressing very well. There is a public meeting scheduled for Tuesday, March 24th at 7pm at the Canyon Community Center for residents to share their views. He encouraged people to attend. The Town was spending quite a bit of money so input is valuable.

Mayor Smith updated the Town on the Paiute situation. He said the Town made a very good offer and the Tribe rejected it. At the moment it is in a holding pattern. The Springdale Town Council will be talking more about next steps in a closed meeting.

Visitors Bureau report: Nate Wells was unable to attend the meeting so Liz West provided announcements.

- Breck Dockstader was the new Vice President. He brings many great ideas to the organization.

- The Zion Half Marathon was coming up on Saturday, March 14th. The race director had spoken to the group and said last year there were 1200 participants. This year there were 2400. The only complaint from last year was that the restaurants were not able to accommodate the large crowds.
- March 21st marks the 30th anniversary of the St. Patrick's Day celebration. From now on the event will be held on the third Saturday in March.
- The ZCVB was working on a new informational tear sheet and map that will provide a list of the area's activities and restaurants. It will be very user friendly.
- It is membership renewal time. Please log onto the website at www.zionpark.com and review your information to be sure it is correct. If not, send an email to admin@zionpark.com by March 17th.

Mayor Smith added the Mayor's Walk is scheduled for Saturday, March 21st at 10:00am. Meet at the Town Hall.

The Zion Canyon Music Festival is having a fundraiser in cooperation with The Bumbleberry Theater and Wildcat Willies on Saturday evening March 21st starting at 7:00pm. The cost is \$20 per ticket and includes appetizers, musical entertainment and food after the show.

Zion Park update: Superintendent Bradybaugh announced:

January visitation was over 82,000. This is significantly higher than last year and the highest January on record.

- Unfortunately the parking lot project is way behind. They are working to get the lot paved as quickly as possible but it is also important that they do a good job. Parking will come on line as soon as it is ready, but they still need to do curb and drainage work. The contractor has added more crews to accelerate the project.
- The Park shuttle starts up again on Sunday, March 15th. They plan to increase the number of shuttles on the Town route to help with the Park parking lot situation. The Park appreciates the Town's efforts to accommodate parking.
- The Visitor's Center will be closed until Sunday to alleviate issues during the pavement project. They want to insure the improvement work is done safely. Visitors will be accommodated at the Museum.

Mayor Smith commented that with the half marathon and the number of visitors coming in for spring break, the Town is guaranteed to see traffic problems this weekend. There will be congestion. We must do the best we can.

Z-Arts report: Nancy Guardabascio announced the following:

- In February Z-Arts sponsored a piano concert with Julian G, and a book talk with Teresa Jordan.
- The Z-Arts operating grant application to the Utah Division of Arts and Museums was completed.
- Upcoming events include:
 - April 17th, a talk by James Aton on the life and work of Jim Jones.
 - May 18th, opening display and reception of pictures taken from the history tours conducted in Virgin, Rockville, Grafton and Springdale.
 - In May, June and September there will be chamber music performances at the Canyon Community Center brought to us by co-chair Lisa Zumpft.
 - In July there will be classic guitar concerts in connection with a guitar symposium.

General Plan report: DCD Tom Dansie announced:

Mr. Dansie said the Planning Commission continues to make progress on the General Plan update. The next chapter under review is Chapter 3 *Land Use and Zoning*. The strategies in this chapter will have a dramatic impact on how the Town looks and feels and grows especially in terms of the numbers of residents and hotels. Mr. Dansie extended a plea from the Commission for community input. Email is the most effective way to submit comments to the Planning Commission. Your input can be sent to either the Director of Community Development at dcd@infowest.com, or the Town Clerk at springdale@infowest.com.

- UDOT will be starting a corridor-wide transportation/traffic study from La Verkin to Springdale. In conjunction with this, the Town will be starting its Master Transportation Plan. Requests for bids have been sent out to contractors. One of the big issues of the plan will be parking congestion and recommended strategies to mitigate.

Mayor Smith said the bus transit project from St. George to Zion National Park requires additional study. A \$56,000 grant from the Transportation District in Washington County was received and an additional \$10,000 came from the Council of Governments, so costs for the study should be covered. UDOT will also be picking up some of the cost. The Mayor said the process is long and may take upwards of three to five years before the area sees the project materialize.

Community questions:

Pat Cluff asked with the ruling on the Izzy Poco case if the Town can get them to take down the Subway signs. Mayor Smith indicated the situation was still on hold. Ms. Cluff said they shine the lights all night and many residents had asked her about the signs. The Council will hold a closed session to discuss tonight.

Shirley Smith announced the “Community Unity” event is held on the second Friday of every month. This month will be an International Fair with representation of various countries. There will be traditional food and displays. Everyone is welcome. The event will be held on Friday, March 13th from 6-8pm at the Canyon Community Center. It is a fun event designed to bring friends and neighbors together so we can get to know each other better. Mayor Smith appreciates Mrs. Smith’s work on these events.

Actions Items – Administrative

Discussion and possible action regarding trash collection on Valley View Boulevard: Mayor Smith said that for many years residents of Valley View were putting trash cans on private property. The current owner has approached the Town to find a different long term solution. Neil Schwendiman, Director of the Solid Waste District, has agreed to come up and listen to concerns. The Town of Springdale collects trash fees from the residents and sends them into the District. With only one vote, we can only push the District so much.

- Town Manager Rick Wixom has looked at the contract and found possible options. UDOT has property and can put a dumpster there. They will only do this for a government entity however, which translated to either the Town or the District. Other areas in Town have the same problem. The next course of action is to meet with Mr. Schwendiman, gather information and suggest solutions.
- Kathy Schultz asked for clarification about the dumpster. Mayor Smith answered the District will pick up if the dumpster is in the right-of-way of a governmental entity.

Pat Cluff asked about the bunnies. Mayor Smith said on March 2nd there was a special Solid Waste Board meeting on curbside recycling. The Board was directed to work with Dixie Waste and negotiate how the service will be handled.

- Mr. Chambers noted that in reading the contract it seemed the District would help provide a solution for nonstandard issues with curbside pickup.
- Mr. Alltucker voiced concerns. He doesn’t want a garbage can forest for visitors to see each trash day. Dumpsters are uglier so they need to be screened. Mayor Smith agreed.

Discussion regarding Brant Warner email dated March 2, 2015:

Mr. and Mrs. Werner were in attendance to speak with the Council. Mr. Werner read from a prepared statement which stated “The purpose of this meeting is to correct misleading statements and public information from the February 12th Town Council meeting”. He asked the Council members if they have a copy of his email dated March 2nd making a request to be on the meeting agenda. The Council confirmed it was in their meeting packet.

Mr. Warner said he was on the February 12th agenda for a utility bill adjustment. They had been working with Dawn Wallace and Robby Totten to find the cause of an extremely high water bill. No notice of violation had been given until the request to be on the agenda. Therefore he did not have time to address the notice or prepare to discuss it prior to the meeting. Mr. Warner believed a memorandum written by Town staff, and included in the Council meeting packets, contained misstatements. One misstatement is that a cross connection is prohibited by the Town code and irrigation and culinary water systems were connected without a proper and approved backflow prevention device. Mr. Warner continued there were several devices in place to prevent any cross connection. To date the Town has not identified which backflow device is approved by the Town.

Mayor Smith clarified and said packet materials are not part of the minutes. They are designed to prepare the Council members for the upcoming meeting. The Council is at liberty to include anything they want in the packet. If you want something included, you must provide it. The Town posts packet materials for public view as a service only.

When the Council makes a determination, they need to discuss findings that support their decision. In this situation, there were two findings. One was the Council was not happy with the cross connection. The second had to do with setting precedence and adjusting the sewer rate when it had not been done for anyone else previously. These were the reasons why the request was denied. The Council had every right to talk about the connection in order to come to this conclusion.

- Mr. Warner provided the Cross Connection Control Program of Utah to the Clerk (attachment #1).

Mr. Chambers felt there was a lot of confusion and miscommunication. This was the first time the Warner's experienced this type of exchange with the Council. There is a process and protocol to which they may be unfamiliar. If the Warner's wanted the Town Clerk to pull information to be included in the packet they needed to fill out a GRAMA request two weeks prior to the Council meeting. If the Warner's already had the materials, they needed to be provided prior to the meeting. Since the Council did not have a chance to review the materials submitted tonight, it would be a disservice to review them quickly. The goal is to be of service without any defensive or hostile exchanges.

- Mrs. Warner said their goal was to let the people of Springdale know what a cross connection is.
- Mr. Chambers indicated information about cross connections may be useful for residents of Springdale. During the previous meeting the Councilmembers made broad comments not directed at the Warner's.
- Mrs. Warner wanted to clarify a misstatement in Mr. Totten's letter. She said they did have a back flow preventer on the cross connection. Mayor Smith agreed but said the issue was that the cross connection was made without permission of the Town. He welcomed the Warner's to go back and listen to the meeting recording. It was never stated that the Warner's cross contaminated anything. It was stated that cross connection can cause contamination.
- Cross connections are not allowed without permission. One of the reasons is that it can cross contaminate. According to the ordinance, if a resident wants to install a cross connection certain guidelines must be followed. Mayor Smith said the Town sent the letter to the Warner's and they complied. There were no fines or penalties.
- Mrs. Warner stated they still don't know 100% what caused the excess water usage. They have been working with Mr. Totten to identify the problem and prevent it from happening again. They did acknowledge their water bill was back to normal.
- Mr. Warner expressed they felt under attack at the last meeting. Mayor Smith said he was sorry they felt that way. The Council asked questions to illicit responses that would help them make a decision regarding their request.
- Councilman Chambers said he was sorry they took offense. It was not the intent. Many of his questions were directed at staff in an attempt to get information about cross connections. There is an ordinance

about cross connections and it was therefore important for residents to understand. The Council wants to serve the citizens and can do a better job of letting people know about cross connections.

- Mr. Warner provided the Clerk sample handouts about cross connections (attachment #2). Mrs. Warner stated they would like to follow up on the subject especially for people that do not have agricultural water. She stated using water from a hose without an anti-syphon valve was not good.

Mrs. Warner thought the sewer fees were not fair. They cannot depend on irrigation water so they have to turn to culinary water. Mayor Smith said that without sewer fees the Town cannot know how much water is used to drink versus to water plants. Since there is not a meter to indicate how much water comes out of each house, the sewer fee calculation is currently the best way to deal with this issue.

Mrs. Warner suggested the Town increase water rates and decrease sewer rates. The Mayor indicated the Council voted on this very issue last month and determined to raise water rates but keep the sewer rates the same.

Mrs. Warner requested to be on the Town Council agenda next month to educate residents about the Cross Connection Control of Utah.

Mr. Warner expressed his frustration that last summer he went for a week without irrigation water, three power outages and six additional times when the irrigation water was shut off without notice and then the manhole cover project started. The irrigation water is unreliable.

Mayor Smith asked if they were following the irrigation schedule. Mr. Warner indicated he had called the Town office last year to question the irrigation water shut-off but was answered rudely. Mayor Smith said this wasn't acceptable and he would follow up with training. It is important to realize however there will always be challenges living with an irrigation system.

Mrs. Warner reiterated that when agricultural water is off residents can do something safe through a cross connection. Mayor Smith said cross connections can be made. Robby is still helping and advising. Everyone can benefit from information about the process.

Mr. Alltucker said it was obvious the Warner's were very passionate about this subject however the evening's agenda is long. He asked the issue be tabled until next meeting so the Warner's can clearly tell the Council what they want as the desired result.

- Mrs. Warner said they wanted the people of Springdale to understand what a cross connection is. She indicated it is not as bad as some may think.

Consideration and action regarding the Town sponsoring an employee for an H-1B work visa: Mr. Dansie said the staff report summarized the issue. Moumita Kundu's authorization to work in the U.S. ends in July, contrary to her expectation when she accepted the job. There have been technicalities with sponsorship through the University of Utah. She was therefore requesting the Town sponsor an H-1B visa in order for her to stay in the country legally for up to six years.

- There is considerable expense to process the application and ramification for the Town if they no longer employ her during the visa period. The application for the H-1B visa is due April 1st but it is a lengthy process.
- Mayor Smith noted that \$1500 is refundable if the visa application is denied. The attorney fees of \$3,000 can be split with Ms. Kundu. The Town attorney clarified facts and indicated the visa could be extended to six years, but the applicant would need to seek extensions in two year increments. If Ms. Kundu was fired within the six years the Town would incur her travel expenses back to India. Tonight's discussion is not about her work; it is about the financial responsibility the Town would assume if sponsoring Ms. Kundu for this visa.

Mr. Alltucker indicated her job offer was with a six month probation period and is at-will. Mayor Smith said she is working with the University of Utah on the issue however the Town's sponsorship would take less time. One option is to allow her existing visa to expire and with that so does her job. Or, we can loan the money and over time require the employee to pay back. We can pay the \$1500 for the application and \$1500 for legal fees and see where we end up.

- Mr. Player clarified and said if the visa request was not successful the Town would get the \$1500 application fee returned but the attorney fees would be lost. He felt it was the employee's responsibility to pay the whole amount. The Town may decide to loan the money but it would have to be paid back. In this situation if employment was terminated, the Town could potentially lose the money.

Mayor Smith said this was a tough situation and he expressed regret that Ms. Kundu was in this position. He indicated that the Council should be careful not to set precedence but reminded the Council there is a person behind the decision they make tonight.

Mr. Chambers felt this position was not unique enough that someone else can't fulfill the position. They could look at other qualified candidates.

- Mr. Alltucker said from his similar experience, it is better to make the tough decision early rather than postpone it. This gives the employee time to look for another job and allows the Town time to look for a replacement. His fear was that if Ms. Kundu was let go in July we lose three to four months of training someone else. He recommended a severance package and to let the employee go sooner rather than later.
- Mayor Smith said Ms. Kundu was under no obligation to turn in her resignation. The compassionate thing to do was to let her work it out and see what happens come July. Mayor Smith felt the decision could not be postponed. It was not fair to the employee.

Motion made by Mark Chamber to deny the request for the Town to sponsor the H-B1 visa and directs the Mayor and staff to talk to the employee and determine if termination is better now or wait until July; seconded by Adrian Player.

Weyher: Aye.

Chambers: Aye.

Smith: Aye.

Player: Aye.

Alltucker: Aye.

Motion passed unanimously.

Consent Agenda

Invoices

	Inv Date	Inv #	Vendor	Amount	Bud- geted	Description
1	1/30/2015	43896RJR	Blake Electric	501.20	Y	Pumphouse Repair
2	2/6/2015	N/A	Bowler, Odean	300.00	Y	Public Defender Contract
3	2/10/2015	CW420-02/10/15	Chevron	1805.31	Y	Fuel
4	1/25/2015	10780	Forsgren Associales	13176.22	Y	Street Light Project Design
5	1/31/2015	2375	Hooray! The Engraving Shoppe	524.00	Y	Citizen of the Season Plaque
6	1/31/2015	191872000-0115	Kimley-Horn and Associates	2309.58	Y	Zion Scenic Byway Plan Progress Billing
7	2/1/2015	N/A	McConkie, Marshall	\$ 850.00	Y	Monthly Prosecution Retainer
8	2/1/2015	150301	Pelorus Methods	\$ 1,300.00	Y	Contract Support and Maintenance
9	2/3/2015	45925	Poll Sound	\$ 3,172.50	Y	Council Room Sound System
10	1/27/2015	267639	Pro-Vision	\$ 1,220.00	Y	Police Body Cameras
11	2/6/2015	Consolidated	Rocky Mountain Power	\$ 4,818.60	Y	Electric Service
12	1/23/2015	6018611-00	Scholzen Products	\$ 849.28	Y	Cemetery Irrigation Supplies
13	2/11/2015	70445	Snow Jensen & Reece	\$ 2,717.78	Y	General Representation
14	1/23/2015	N/A	Springdale Consolidated Irrigation Co.	\$ 1,668.00	Y	Irrigation Assessment
15	2/16/2015	9740718678	Verizon Wireless	\$ 934.25	Y	Cell Service
				\$ 17,530.37		

Motion made Mark Chambers to approve the Consent Agenda including the invoices and meeting minutes for February 12th with the correction to the word 'hosted' under the Z-Arts report; seconded by Mike Alltucker.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Administrative Non-Action Items

Council Department Reports:

Mr. Weyher said an update on the street light project had taken place earlier in the meeting. The Town would be conducting their 50% Design/Review. Mayor Smith added when a trench is dug in Town, we want to take advantage and add conduit for future use. In the case of the construction on the corner of Zion Park and Lion Boulevard, the Town has an opportunity to add conduit while trenching for this project is being done. Mr. Player noted that it will be cheaper to install now.

Mr. Weyher asked if the parking lot on Lion Boulevard was approved to open. Mr. Dansie said the property owner still needed to finish the curb cut and make modifications to the directional signage. The Town has spoken with the property owner about the requirements. Officer Garen Brecke has also addressed the trailer on the property. A trailer can be parked but no one can live in it.

- Mr. Chambers voiced concern that notification was sent out to half marathon runners that they could use the parking lot at a discounted rate. Mr. Dansie said they would be doing so without a business license.
- Mr. Player asked if the Town could issue a temporary permit. Mr. Chambers said they had discussed this issue in July. At that time they did not have documents or visuals and felt uncomfortable approving the project. They wanted to be sure the Planning Commission received accurate drawings but felt rushed to make a decision. It is eight months later and a number of the same issues are being discussed.
- Mr. Dansie said the entrance coming in from Zion Adventure Company was not part of the project approval.
- Mayor Smith said the business owner has had a long time to comply with the outstanding issues.

Mayor Smith indicated patrol officers were now wearing body cameras on their uniforms. The Chief was working on policy for when they would be turned on and off. Now when people are pulled over there is a camera on the police car dash and on the uniform which will give two different looks at the situation. This is a benefit to the public and the officer.

Mayor Smith said the Zion Canyon Music Festival Committee had a couple of meetings. They are getting ready for the fundraiser this Friday night. All proceeds from the event will go to the music festival, minus \$200 for the band. Town staff has no assignments that night.

- Mr. Chambers asked about band contracts. Mayor Smith replied they were finalizing many of the main stage performers.
- Mr. Chambers also asked about the alcohol sales. The Mayor said the group was still working on the details and responsibilities.
- Mr. Chambers said when he looked at the 19 he asked Ms. Wallace about the status of employee evaluations due in August. They have not been done yet and this is a concern. He suggested the Mayor talk to staff to get the evaluations done by May since some will likely take two months to complete. He offered to help with this process.

Prior to the meeting, Mr. Player emailed a Word document to the Council and Town Clerk from the chairman of the Fire District (attachment #3). The District hired local resident Ashely Averett as part-time interim fire chief. This will allow six months for Hurricane Valley Fire District to conduct their study.

Mr. Player said he would like the Fire District to have a web presence whereby they could post their incident reports. He also mentioned the Park and Chief Averett will present a Defensible Space Program on April 21st. Mayor Smith noted it would be good to include an article in the newsletter about the event.

Mr. Alltucker provided an update on the cemetery road construction project. He mentioned they encountered soft and yielding grade. The engineers need to get involved and possibly redesign. This meant more money would be spent. Irrigation lines and valves will be replaced behind the curbs.

- The Parks and Recreation staff was also working on fertilizing the ballpark and River Park. They were in the process of hiring a seasonal part-time employee.

Mr. Chambers asked why employees were staffing the crosswalk at the school. He wanted to know if the Town had asked for volunteers instead of paying for this service.

- Mayor Smith answered and said the Town wants to ensure kids are safe and doesn't have issue with the Town paying. They have previously asked but no one has ever wanted to do the work, including parents.
- Mr. Chambers asked if this service puts the Town in a liability situation. Mayor Smith said they would have to ask the Town Manager or attorney to know for sure.
- Mr. Weyher questioned how La Verkin manages their crossing guards. Mr. Dansie answered they are paid by the municipality. Hurricane also budgets for crossing guards. He said although Town staff enjoys the children, having to be at the crosswalk during a set time everyday does impact their work schedule.
- Mayor Smith encouraged the Council members to take on this project if they like. He did not want to assign the staff the task of finding an alternative solution. From his experience it was difficult to find volunteers or others to take crossing guard responsibilities.

Mayor Smith said it was an incredible week for the police officers. A person they arrested was wanted by the state and was proficient at evading capture. He recounted some incidents officers recently faced. Their work can be grueling. Despite what some may think it is not easy to be a Springdale cop.

Mayor Smith concluded by saying he works with incredible staff. He knows they are not perfect but he will defend them all. They do their best and he wholeheartedly stands behind them. But he will scold when needed. It breaks his heart to say 'no' to Ms. Kundu.

Town Clerk Darci Carlson asked the Council members to save April 15th for Public Officer training. It will be held at the Canyon Community Center from 9:30am – 3:30pm and include the Town of Rockville, Virgin and the Fire District.

Council Discussion:

No additional Council discussion.

Mr. Chambers requested a short break.

Motion to adjourn by Mark Chambers to close the meeting at Springdale Town Hall in order to conduct a strategy session to discuss the purchase, exchange, or lease of real property and to discuss pending or reasonably imminent litigation; seconded by Adrian Player.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

The closed meeting commenced at 7:02 pm.

MEMBERS PRESENT: Mayor Stanley J. Smith, Councilmembers Mark Chambers, Adrian Player, Bill Weyher, Mike Alltucker

ALSO PRESENT: DCD Tom Dansie, Town Clerk Darci Carlson recording

Closed meeting adjourned at 7:55 pm.

Any action required by closed meeting: Motion by Mark Chambers to direct staff to do research on issues addressed in the closed session; seconded by Adrian Player.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Adjourn: Motion to adjourn made by Bill Weyher; seconded by Mark Chambers.

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

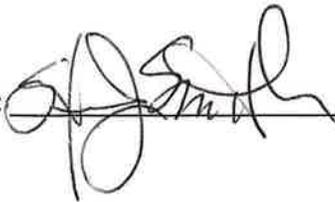
Weyher: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL: _____







TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please sign

Meeting of Town Council on 3.11.15

If you'd like to be included on our great e-notice list, please give us your email address. That's the only reason you need to provide that

information. Your address will never be sold, though we may have to provide it as public information. If you have provided the information before, you don't need to add it again.

[Signature]

name

Diane Johnson

name

Diane Johnson

name

Msaki Clark

name

Shirley Smith

name

Nancy Guardabasso

name

Joy Stein

name

[Signature]

name

LIZ WESA

name

PAT CLIFF

name

[Signature]

name



email (not required)

email (not required)