



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

**MINUTES OF THE SPRINGDALE TOWN COUNCIL WORK MEETING ON
WEDNESDAY, JULY 13, 2016 AT 3:00 PM AT
TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 3:00 PM

MEMBERS PRESENT: Mayor Stanley J. Smith, Council members Adrian Player, Mike Alltucker and Lisa Zumpft

PRESENT FOR THE PAIUTE TRIBE: Darlene Arrum; Lora Tom, Cedar Band Chairwoman; Stephanie Zehren, Tribal attorney; Corrina Bow, Tribal Chair; Jetta Wood, Shivwits Band; Gaylord Robb, Economic Development Director

ALSO PRESENT: Town Manager Rick Wixom, DCD Tom Dansie, Town attorney Devin Snow and Town Clerk Darci Carlson recording. See attached sheet for citizens signed in.

Motion made by Lisa Zumpft to approve the agenda; seconded by Adrian Player.

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Discussion/Information/Non-action Items

General discussion & announcements: Mayor Smith announced that Bill Weyher resigned from the Council for family reasons. Springdale was in the process of replacing his seat.

- Mayor Smith said yesterday representatives from several area stakeholders met to discuss and collaborate about Zion National Park visitation. It was mentioned the Paiute Tribe should also attend these meetings. The Tribe had a vested interest in these discussions and would be invited to future meetings to participate and provide their input.

Administrative Non-Actions Items

Work meeting with Paiute Tribal leaders: Mayor Smith appreciated the Paiute Tribal Council coming down from Cedar City to attend the meeting and encouraged all to speak openly and honestly. He reiterated how much the Town wanted the Paiutes in Springdale.

- Ms. Bow, Tribal Chairwoman, said this area was important to the Paiute Tribe. Their goal was to restore this connection and share their culture with the community.

Town attorney Devin Snow had spent time researching the agreement to see if it was binding. He said the goal was to have a legally valid agreement between the two entities which contained specific land use requirements. Federal regulations required the Secretary of the Interior to review and approve the agreement.

- Tribal attorney Stephanie Zehren said the Secretary's approval would also be part of the fee-to-trust application process. This approval was necessary due to the encumbrance on tribal land. The Tribe's intent and understanding was to have a binding, enforceable agreement on a sovereign to sovereign basis - meaning the Town of Springdale and the Paiute Tribe.
- Ms. Bow reviewed comments from the Town Council and understood the agreement needed to be binding and enforceable. She said the Tribe accepted this.

Ms. Zehren said the goal was to construct buildings consistent with the Town's vision and General Plan. The way to accomplish this was to adopt the Town's zoning requirements as a matter of tribal law. She

said once the land was taken into trust Springdale would not have any regulatory jurisdiction. The state would have some civil and criminal jurisdiction. This process was intended to fill in the gap so the Town had assurances and could support the fee-to-trust application.

Ms. Bow said the Tribe paid property taxes on the land each month. The Tribe was motivated to accelerate the fee-to-trust application process to alleviate this financial burden.

- Ms. Zehren said the Tribe did not have building design plans yet. They had ideas of what may be possible including a cultural component, restaurant, housing for workers and gift shop.
- One possibility was to keep the land exactly as it was until a development agreement was in place. The fee-to-trust application process could go forward but nothing would be developed until a development agreement was finalized and the two parties agreed to what would happen with the property.
- Ms. Zehren said the Tribe did not have a lot of resources so the tax obligation each month was a hardship.

Mr. Robb had secured funding from the USDA to do a feasibility study on the lower seven acre parcel. This would help develop a conceptual plan of what could be built. They would also conduct a survey.

- Ms. Zehren said development would be incremental and contingent upon winning grants or obtaining other sources of funding.
- Mr. Robb had secured road money for a traffic impact study and planned to apply for a separate grant to build the bridge.

Ms. Zumpft asked about designing a turn lane off SR-9 into the development.

- Mr. Wixom said no changes would happen until UDOT had more information about the impact and the need.

Ms. Zehren said with the fee-to-trust application the Bureau of Indian Affairs (BIA) would be brought into the loop. The BIA would want to look at local interests and hear from the Town, the National Park and the county. A fee-to-trust application required a number of steps and much of the documentation had been done. The environmental report need to be updated.

Discussion focused on how future development would be contingent on a development agreement. The Tribe would voluntarily limit what they could do and this understanding would be part of the fee-to-trust application.

Mr. Alltucker asked for clarification of how the Tribe would incorporate Springdale's land use ordinances.

- Ms. Zehren said the Tribe would adopt provisions of Springdale's zoning ordinances as tribal law. This would make them enforceable once the property was in trust. The development agreement would provide assurances.
- In order to make the agreement truly binding and enforceable a dispute resolution provision should be defined which addressed the forum and jurisdiction under which any breach would be resolved.
- Mr. Snow questioned the sequencing of the steps. He suggested the Secretary's approval be in place now before the Town voiced support for the fee-to-trust application. In this way there would be no question about enforcement moving forward.

Mayor Smith said the concept discussed today sounded like a win-win scenario. It allowed the fee-to-trust process to go forward while the specific details of a development agreement were worked out.

- Ms. Tom agreed. She said the intent was to be supportive of each other and address assumptions so neither party was misled.

Mr. Alltucker said part of the Tribe's concern was the financial burden of paying property tax. He asked if they had interest in selling the upper mesa to the Town or a conservation group. The Tribe could still retain use of the upper property. It would allow them to accomplish what they wanted and relieve the tax burden.

- Mr. Robb said there would have to be an offer fairly soon. The Tribe contemplated campsites in this area and the revenue that could be generated.

- Mr. Wixom said a benefit from selling would be to generate funds now so the Tribe could start doing what they wanted. Typically however conservation groups looked for something to preserve such as riparian areas or endangered species.

Mr. Robb said the American Association of Architects may conduct a design competition for the buildings on the seven acre parcel. Participants would be required to follow the Springdale ordinances in the design.

Mayor Smith suggested the lawyers work together to draft a simple agreement without a lot of legalese. Ms. Zehren said she would coordinate with the BIA.

- Mr. Dansie commented he understood the Tribe's desire to get out from underneath the tax burden but despite the agreement to move the fee-to-trust process forward; all the other issues were still there.
- Ms. Zehren said this concept at least gave breathing room for the development agreement to be drafted without holding up the fee-to-trust application.

Ms. Zumpft suggested the group schedule meetings to continue the conversation.

- Ms. Tom said new Tribal Council members may be coming in the next six months. Every four years the Tribal Council changes.
- Mayor Smith suggested meeting once a month as a small group and then full Councils can meet once a quarter, or as needed. Ms. Zumpft said this would show commitment to the process.
- The next meeting was set for August 19th at 1:00pm in Cedar City.

Ms. Zehren said she would collaborate with Mr. Snow on a simple agreement draft in line with what was discussed today. In addition the Tribe would get a survey of the lower portion, a feasibility study, and a conceptual plan. Issues such as road access and sales tax collection could be discussed in a future meeting.

In closing, Ms. Bow announced that Everett Pikyavit was speaking about Southern Paiute Basketry on July 21st at the Canyon Community Center. The event was sponsored by the Zion Canyon Field Institute and the National Park Foundation.

Mayor Smith again thanked the Tribe for coming. He pledged to keep the process moving forward. Ms. Tom said the Town had the commitment from the Paiute Tribe.

Adjourn:

Motion to adjourn at 4:16pm by Lisa Zumpft; seconded by Adrian Player:

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.


Darci Carlson, Town Clerk

APPROVED: _____



DATE: _____

8/10/16



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD Please sign

Meeting of Town Council (work) on 7/13/16

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- name Corrina Bow
- name Stephanie Fehren
- name Julia Wood
- name Barlene P. Drum
- name Rick Wilson
- name Delvin Snow
- name STAN SMITH
- name Adrian Payer
- name MIKE ALTOCKER
- name Gaylord Robb
- name LORA E. TOM
- name Dis. Zung
- name _____

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