



1862-2012

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MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON WEDNESDAY, SEPTEMBER 18, 2013 AT 5:00 P.M. AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.

MEMBERS PRESENT: Mayor Pat Cluff, Council members Mark Chambers, Louise Excell, Kathy LaFave and Adrian Player

ALSO PRESENT: Town manager Rick Wixom, DCD Tom Dansie and Town Clerk Fay Cope, recording. 12 citizens signed in, see attached list.

Pledge of Allegiance: Mayor Cluff

Approval of agenda: Items 3 and 4, related to Anasazi Plateau, were removed at the applicants' requests and the closed meeting was canceled. Motion to approve the revised agenda by Mark Chambers, seconded by Louise Excell:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Discussion/Information/Non-action Items:

General discussion & announcements:

- Music Festival September 28 and 29. It would be a good time!
- Mr. Chambers, Ms. LaFave, Mr. Wixom and Mr. Dansie attended the League conference. It was a good conference with bad food.

Visitors Bureau report:

- Dean Cook joked about a petition going around from citizens to make Citizen of the Season a voted award after he received the award.
- *Desert Companion Magazine* had a great feature on Springdale -'You're Not in Utah in Anymore'. *Travel and Leisure Magazine* had an article called '20 Easy Weekend Getaways' listing 'Springdale, Utah.' Everyone was delighted; the articles were about Springdale, not Zion, which meant the Springdale brand was getting stronger.

Zion Park update: Supt. Whitworth wasn't present

Z-Arts report: Chip Chapman announced the recent and upcoming Z-Arts events. (See attachment #1)

General Plan report:

- Mr. Dansie explained the Planning Commission was continuing to work on housing policy recommendations and historic preservation. They had a hearing the previous evening to review zone changes for properties currently zoned FR that would be more properly zoned VR. That issue would be heard by the Town Council in October. The Commission would continue to hold hearings on other recommendations from the Housing Committee as they were drafted into the ordinance.
- Oct 2 at 9am: Mr. Kirk Huffaker, executive director of the Utah Heritage Foundation, would meet with the Historic Preservation Committee.

- The Council asked about anti-idling and the futures survey. Mr. Dansie said he would prepare more information for the next agenda.

Community questions: None

Action items

Public Hearing - Subdivision Plat Amendment: April Gates requests an amendment to the Canyon Springs Estates subdivision plat, affecting lots 10, 11, and 12:

Mr. Dansie said this revision adjusted the boundaries on all three lots to reflect development on lot 11 that encroached on setbacks. There was also a rock retaining wall that encroached on lot 12. There were deeds filed that adjusted the lot boundaries, but didn't amend the subdivision. The rock retaining wall didn't receive any town oversight. No new lots were created.

Motion to open public hearing by Kathy LaFave, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Public comments: none

Motion to close the public hearing by Louise Excell, seconded by Adrian Player:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Deliberation: The amended plat seemed to make the necessary corrections. **Motion by Kathy LaFave to approve the Subdivision Plat Amendment to the Canyon Springs Estates subdivision plat, affecting lots 10, 11, and 12, seconded by Mark Chambers:**

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Public Hearing - Subdivision Plat Amendment: Matt Rayner and Roger Coleman request an amendment to the Moore Minor subdivision plat:

Mr. Dansie explained the Title Company had problems with the designation of the common area of the subdivision and the original plat didn't clearly designate the shared access driveway. No changes to lots, boundaries or formatting.

Ms. Excell noted there was a condition based on the initial approval.

Motion to open public hearing by Kathy LaFave, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Comments: none

Motion to close public hearing by Kathy LaFave, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Motion by Mark Chambers to approve the amendment to Moore Minor subdivision plat with the condition that the road improvements shown on the preliminary plat (including road paving, curb and gutter) must be complete before a certificate of occupancy for the townhome units will be issued; seconded by

Louise Excell:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Spraying Anasazi Conservation Easement to treat mistletoe – Anasazi Plateau HOA – Withdrawn at applicant's request

Anasazi Plateau Conservation Easement Exchange Request – Jim King: postponed at applicant's request

Discussion regarding Outdoor Music and noise nuisances: Mr. Dansie said the council had asked for some strategies on how to deal with the noise disturbances caused by live outdoor music.

- Decibel restrictions were used in some communities, but usually the communities also had special event permits that allowed for louder limits for events like the music festival or film festivals.
- Ms. Excell suggested establishing a decibel limit and utilizing the special event permit process already in place to allow exceptions.
- Now the special event permits were limited to one per quarter. Would that be kept? If restaurants had music weekly, they would have to keep the decibel level below the restricted level.
- Using the 'thermometer chart' in the staff report, the Council discussed which decibel restriction to apply and whether the restrictions should apply to both commercial and residential properties.
- Ms. LaFave suggested a 70 dB limit with exceptions for lawn mowing and special event permits.
- Mr. Chambers read from the General Plan Chapter 7, key finding #7 - Noise Pollution and Natural Quiet, which found 'the residents desired to minimize noise pollution.' There were also ordinances about loudspeakers on public lands, ordinances that limited the hours of noise on commercial properties, but nothing addressed private residences specifically.
- Ms. Excell pointed out some common noises that were louder than 70 dB – screaming children, car horns and blow dryers. Those would be harder to enforce than helicopters or shotgun blasts.
- The Town would need a decibel reader that Enforcement Officer Garen Brecke could use for monitoring. Ms. LaFave said there had to be a way to measure the sound. The Council asked Mr. Wixom to get a decibel reader before the festival so that event could be monitored to gather information.
- Mr. Chambers suggested loudspeakers (amplification) should require a special event permit. Acoustic music wouldn't have the same impact on neighbors.
- Mr. Player didn't think it was the right angle to focus on a general decibel restriction. They needed to stay focused on the live music with loudspeakers; that was creating the current problem.
- Mr. Chambers mentioned the Farmers Market's live music; that didn't seem problematic because it was during the daytime hours and never had 'blasting' music.
- The Clerk mentioned how the applicants for event permits she'd been working with were responsive to her requests to turn the sound down and close the doors to reduce outside noise at 11PM. The Council was glad to hear it.
- Mr. Cook told the council about his initial problems with loud music from the Bit – he had to refund hundreds of dollars to his unhappy patrons every time the Bit had a live music event. He had a very positive negotiation experience with Joe Jennings and things had gotten significantly better. He encouraged the town to follow a similar course. He encouraged allowing the music; it was good for visitors

to have entertainment. He didn't want the town to 'regulate the hell' out of venues when a non-regulatory approach was probably going to be more effective anyway. The Council agreed they would like to take that course as long as possible.

Discussion and possible direction to Planning Commission regarding design standards for Solar Power installations:

- Ms. LaFave said she never wanted to discourage solar panels. Could vegetation camouflage them? Privet bushes could grow 7 feet in a year. Those were quick-growing and inexpensive.
- The Mayor urged care: it would not be in the town's interest for the hillsides to become covered with solar panels. The foothills were also 'tricky' because houses were located above, below and beside each other, making unobtrusive location difficult.
- Mr. Dansie said an applicant brought in a proposal; he went on site and tried to minimize the impact.
- Mr. Player asked about if the local solar contractors were going through that process. Mr. Dansie said that was the responsibility of the homeowner, and he didn't know of anyone who hadn't complied.
- There was a lengthy discussion about screening, size, and the possible need for more regulations. The Clerk mentioned some of the solar panels that had been installed in Virgin – they were installed on tall poles, they were very large and some of them tracked the sun, so they reflected all over the neighborhood. They obstructed the views of neighbors and there wasn't anything the neighbors could do. Mr. Dansie acknowledged that the only height limit he would be able to impose would be the same as for a house – up to 25'.
- The council suggested the Planning Commission study the issue and possibly limit height and size.

Request for sponsorship - Zion Canyon Half Marathon:

- Salem Stanley of Vacation Races explained he wished to bring the race back next year, but bigger. This year 600 people had participated, and 1800 people came. There would be a great economic impact, mostly in Springdale. In 2014 he hoped for 1500 runners, 5000 visitors. Race Day logistics were a problem. They needed buses to transport people to the starting line in Virgin. He said if they could get Springdale to underwrite their insurance, they could get buses from the school district. Races started at 7 AM; buses ran from 5:15 to around noon. It would be a Saturday morning; the race would slow things down on SR-9.
- Ms. Excell asked about indemnification. The drivers of the buses become the agents of the Town and the town had all the liability. Mr. Stanley said there would need to be layers of insurance. Ms. Cope asked if their layer of insurance would hold the town harmless for the liability. Ms. LaFave said that wasn't possible.
- Mr. Stanley explained he had approached Parks Transportation about using their buses and had been refused. He had also looked at transportation services from Mesquite that didn't work out.
- Stan Smith suggested he contact the Visitors Board to see if they could assist.
- Mr. Player asked if there was a special rider the town could get for the event and have the race company pay it. Mr. Wixom said that might be possible. Mr. Stanley said he was certain the race company would pay the cost.
- The Mayor asked what would happen if there were 5000 people here in a day. It was the early shoulder season, a good time for the event, but it would still have a huge impact.
- Time frame: Washington County needed time to line up the buses and drivers. There would need to be agreements with Vacation Races, Washington County, the Town and the insurance company.
- The Council directed staff to check with the insurance company to see if a rider was possible.

Request for local consent for full restaurant liquor license at 95 Zion Park Blvd. – Zion Canyon Brew Pub LLC: The clerk said she didn't know the applicant wasn't going to be present. Mark Chambers asked about noise. The council discussed that issue and determined it was important but a separate issue from the consent request. **Motion by Louise Excell to approve local consent for full restaurant liquor license at 95 Zion Park Blvd. for Zion Canyon Brew Pub LLC; seconded by Adrian Player;**

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

The Council directed the Clerk to express concern about noise on the consent form.

Public hearing: Resolution 2013-12 – FY2013-14 Budget Amendment #1

Mr. Wixom explained this amendment addressed several changes. Projects that were scheduled but unfinished last year included CCC door replacement and shuttle stop benches. Projects that were done last year but not invoiced until this year included the water line and trail project south of the Majestic. He listed other administrative increases as well as an increase to the Parks Capital Project Fund for architectural design of the park restroom, which he hoped could go to bid in the fall or early spring.

Motion to open the public hearing by Louise Excell, seconded by Kathy LaFave:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Comments: none

Motion to close the public hearing by Kathy LaFave, seconded by Adrian Player:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Motion by Kathy LaFave to adopt resolution 2013-12 opening and amending the budget for FY2013-14, seconded by Adrian Player:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Election Contract with the Board of Education: The Clerk explained this had been an extremely frustrating process. The District made it almost impossible to get a contract.

Motion by Louise Excell to adopt resolution 2013-13 authorizing an interlocal cooperation agreement between the Town of Springdale and the Washington County School District contingent on the completion and agreement of the parts to exhibit B and authorizing the Mayor to sign, seconded by Mark

Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Dan Mabbutt asked if the action of the District could invalidate the election. Mr. Wixom said he thought it would.

Appointment of counting judges for the November General election: Motion by Louise Excell to appoint Bonnie Timmerman, Dennis Timmerman and Kneisha Grow as counting judges and Lisa Zumpft as alternate for the Springdale municipal general election November 5, 2013, seconded by Kathy LaFave:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Appointment of Randy Taylor to the Planning Commission to fulfill term ending Feb 2015: Motion by Kathy LaFave to appoint Randy Taylor to the Planning Commission to fulfill the term ending Feb 2015, seconded by Louise Excell :

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Consent Agenda – a. Invoices b. Minutes of July 15 Retreat, August 14 Regular meeting and August 22 special meeting:

<u>Inv Date</u>	<u>Inv #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Bud- geted</u>	<u>Description</u>
8/22/2013	38894555	Chevron	\$ 3,109.48	Y	Fuel
8/22/2013	2014/0205	City of St. George	\$ 1,390.33	Y*	Quarterly Dispatch Fees
8/25/2013	62	E Cubed Engineers & Consultants	\$ 516.36	Y	Plan Review
8/25/2013	61	E Cubed Engineers & Consultants	\$ 1,127.40	Y	Plan Review
8/5/2013	S130805	Emergency Vehicle Systems	\$ 3,200.00	Y	Radar System
8/6/2013	S130806	Emergency Vehicle Systems	\$ 4,580.00	Y	In-Car Camera System
8/7/2013	S130807	Emergency Vehicle Systems	\$ 829.00	Y	Prisoner Cage
8/8/2013	S130808	Emergency Vehicle Systems	\$ 930.00	Y	Cell Phone Boosters for Police Vehicles
8/9/2013	S130809	Emergency Vehicle Systems	\$ 3,472.00	Y	Tahoe Vehicle Equipment
7/31/2013	99741	Hinton Burdick CPAs	\$ 522.40	Y	Audit Progress Billing
7/15/2013	1439698	Jenkins Oil	\$ 879.76	Y	Diesel Fuel
7/31/2013	7427	Lee, Budd & Sons	\$ 565.00	Y	Sand
9/1/2013	N/A	McConkie, Marshall	\$ 850.00	Y	Monthly Prosecution Retainer
8/1/2013	Maint-23801	Millennial Vision, Inc.	\$ 2,070.00	Y	Laser Fiche Annual Maintenance/Support
8/13/2013	N/A	Monterey International Talent	\$ 1,400.00	Y	ZCMF Performer Deposit (Nicki Bluhm)
9/4/2013	N/A	Newby Collision Center	\$ 2,450.79	Y**	Streets Truck Accident Damage Repair
8/1/2013	17280	Pelorus Methods	\$ 1,300.00	Y	Quarterly Software Support
7/1/2013	N/A	Rockville/Springdale Fire Protection Dist.	\$ 665.00	Y	Business Inspections
8/1/2013	Consolidated	Rocky Mountain Power	\$ 8,758.51	Y	Electric Service
7/23/2013	139476	Safety Supply & Sign	\$ 1,295.30	Y	Streets Truck Equipment
7/25/2013	826592	Scholzen Products Company	\$ 1,021.20	Y	Check Valve
8/9/2013	829561	Scholzen Products Company	\$ 1,367.40	Y	Quail Ridge Culvert Project
8/6/2013	60889	Snow Jensen & Reece	\$ 1,651.61	Y	General Representation
8/20/2013	4474	Straight Stripe Painting	\$ 880.00	Y	Pavement Marking Paint
8/13/2013	4437	Straight Stripe Painting	\$ 660.00	Y	Pavement Marking Paint
8/5/2013	N/A	State Bank of Southern Utah	\$ 967.50	Y	Bond Interest Payment
7/18/2013	81815	Stewart Brother's Electric	\$ 6,235.00	Y	Irrigation Pump Motor
8/5/2013	69448	Sunrise Engineering	\$ 1,330.00	Y	Landslide Monitoring
8/5/2013	8513001	Tim's Fab and Repair	\$ 4,200.00	Y	Grinder Cores
7/5/2013	Project F-LC53(63)	Utah Department of Transportation	\$ 86,169.47	Y	Pipeline Project/Trail Project
7/31/2013	Project F-LC53(63)	Utah Department of Transportation	\$ 10,894.52	Y	Trail Project
8/16/2013	9710008023	Verizon Wireless	\$ 903.29	Y	Cell Service
8/12/2013	Credit Card	Zions Bank (Imprint.com)	\$ 922.20	Y***	ZCMF Wristbands

7/17/2013	N/A	Zions Bank Public Financial Services	\$ 11,717.68	Y	Police Vehicle Lease Payment
8/21/2013	N/A	Zions Bank Public Financial Services	\$ 7,350.85	Y	Parks Vehicle Lease Payment
7/17/2013	N/A	Zions Bank Trust Department	\$ 26,489.90	Y	Series 2004 Water Bond Payment
			\$202,671.95		
		*R/S FPD reimburses Town for 1/2 of dispatch fees			
		**Town cost after insurance reimbursement is \$500.			
		***Town will be reimbursed by sponsors.			

Motion by Louise Excell to approve the consent agenda, seconded by Kathy LaFave:

- Chambers: Aye**
- Cluff: Aye**
- Excell: Aye**
- LaFave: Aye**
- Player: Aye**
- Motion passed unanimously.**

Administrative Non-Action Items

Department Reports: The restrooms vandalism had dropped since the installation of cameras.

Council Discussion:

- Originally Z-arts hadn't been interested in sharing the costs of alcohol liability insurance when the building was opened, but was interested now. Mr. Wixom said there might be a way to have the cost shared over the entire year and include the festival. ZCVB might also be interested in participating.
- Ms. LaFave said she was aware she needed to screen the dumpster at her business. She thought Officer Brecke should look at that all over town.
- Mr. Chambers said he had asked the Fire District if they could staff the fireworks. They responded 'staffing is questionable'. They wouldn't allow fireworks. Ms. Excell said sometimes the problem was that the firefighters were busy at other employment or out of town. Mr. Chambers suggested an 'enlistment' table at the Music Festival. Ms. LaFave suggested making contact with Zion Adventure Co. to see if any of those able-bodied people would be interested. The Council was concerned about the District's ability to respond to a fire or other emergency.
- Mr. Chambers mentioned the local drive to bring the CARE tax to the ballot; the Arts Council had asked each community to provide three people to help with the process. If cities weren't interested, they should let the Council know. The Council expressed their disinterest.
- Mr. Chambers announced the Joy committee would begin to meet soon to plan this year's festival.
- Street lights: Stan Smith would be making a presentation to the county to apply for funding from the 'bricks and mortar' TRT funds. Mr. Wixom said he'd also talked with Zions Bank Public Finance about a property lease instead of an equipment lease. They might be able to work the design cost into the lease price. LED energy savings that made other leases more feasible probably wouldn't cover the cost of this project. He would rather do a lease than a bond.
- Ms. LaFave said she had learned at the League that the Planning Commission didn't have to have five people on it. The Mayor said they had already downsized the Commission and she didn't see how it could be smaller.
- Adrian Player said five different people had complained to him about the sewer smell in different parts of town. Mr. Wixom explained the Twin D sewer cleaning schedule – each year a third of the system was filmed and cleaned, so the whole system was cleaned every three years. Lines under the restaurants were cleared every year. He said he would talk with Mr. Totten about charcoal filters.

Adjourn: Motion by Kathy LaFave to adjourn at 7:04 pm, seconded by Adrian Player:
Chambers: Aye
Cluff: Aye
Excell: Aye
LaFave: Aye
Player: Aye
Motion passed unanimously.

Fay Cope, Town Clerk

APPROVED _____