



1862-2012

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**MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON WEDNESDAY, JULY 10, 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 and Adrian Player

**EXCUSED:** Kathy LaFave

**ALSO PRESENT:** Town Manager Rick Wixom, DCD Tom Dansie and Town Clerk Fay Cope, recording. At least 10 citizens were present; see attached list.

**Pledge of Allegiance:** Louise Excell

**Approval of agenda:** There would be no Visitors Bureau report because Dean Cook was on vacation in Africa. **Motion by Louise Excell to approve the agenda with the deletion of the Visitors**

**Bureau report, seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Discussion/Information/Non-action Items**

**General discussion & announcements:**

- Mr. Wixom and Mr. Whitworth announced there would be a meeting of stakeholders of the shuttle system the following day at 2PM.
- Senator Lee's staff would be available to citizens in the Mayor's office the following morning from 10 till noon.
- Ms. Excell announced Dixie State U was initiating a Bachelor program in Recreational Administration, focused on non-traditional students, active or experienced in the recreation management field, who may or may not already have college credit. It would be possible to get a degree in an area related to recreation and obtain other skills useful in this area.
- Mr. Chambers announced there would be a volunteer project at Confluence Park on July 20<sup>th</sup> at 8AM. He outlined the 24<sup>th</sup> of July events: 8 am softball tournament, evening obstacle course race, live music and 2<sup>nd</sup> annual Kabob-a-que at Gazebo Park.

**Zion Park update:** Supt. Whitworth announced:

- Personnel from the Denver regional center were here to evaluate the impacts of 3 million visitors on shuttles and trails, wildlife, plants, etc. They would contact Town personnel.
- There were really good campfire hosts this year. He encouraged people to visit them.
- The Virgin River, as a Wild and Scenic River, now had an environmental impact statement (EIS) – the diversion structure was the only structure in the river. The EIS needed to go through regional and national reviews before it was finally adopted.
- Visitation was down about 3.64% year to date.
- Several hikers had been assisted off the trails because of heat stroke or heat exhaustion. He knew of an heroic story about one visitor who had carried another hiker who was suffering from heat exhaustion, clear to the trail head.
- He said the National Weather Service was forecasting flashfloods the next day.
- The plein air event was coming soon.
- The Cartwrights were transferred to Hawaii and would be missed.

**General Plan report:**

- Mr. Dansie said the Housing Committee report had presented to the Commission, who was now working on housing strategies.
- 140 responses to the survey about future development in Springdale had been turned in. The summary would be posted to the website, etc.
- The historic preservation committee was meeting for the first time next week. The initial meeting would be a strategy meeting.

**Take (Title) Ten:** Utah Towns had a five member council of government – the Mayor voted. They had two main powers: legislative (laws) and Executive (administration)

**Community questions:** Dan Mabbutt said he would not be able to meet with Senator Lee's staff – he hoped someone would ask them a question about the four military helicopters that went down canyon about two weeks ago. Mr. Whitworth said they did it regularly. Mr. Mabbutt reminded the council on July 25 there would be a meeting about the water policy for southern Utah – specifically the pipeline. He asked if Springdale had a position or would be making a statement at that meeting. Mr. Wixom said he would be at the meeting, representing the Town and the Rural Water Association. He said there were many important issues that needed to be discussed that evening; he hoped the meeting didn't devolve into only a discussion of the Lake Powell Pipeline. The council thought they already taken a position of opposition. The Clerk said she would research their actions to date.

**Action items**

**Citizen of the Season, Spring 2013: Becky Barker:** Mayor Cluff thanked Mrs. Barker and presented her with a plaque with audience ovation. "I can't even say how much Becky has done for the children of this town. She has brought music to the town and to the children. She has been there to teach our youngest children in school. We have given her that privilege – to take those little ones – and trusted her with them, and she has done a really fine job. We all so much appreciate how much Becky has done for the Town and for all of us. No one deserves this more." Ms. Barker thanked the Mayor and said "I have all the best jobs."

**Public Hearing: Resolution 2013-10 Impact Fee Enactment: Parks and Recreation Impact Fee:** Mr. Dansie explained the town currently charged a \$3000 Parks and Recreation Impact Fee on all residential development. As with all impact fees, the purpose was to offset the demand future development would have on the Town's facilities, in this case parks and recreation. A few months ago, Sunrise Engineering had completed an updated Capital Facilities plan and Impact Fee Analysis. The purpose of that plan was to analyze the current facilities and establish a current level of service – what facilities the town provided on a per capita basis. Based on that information and projecting new growth, they had calculated the demand for new facilities. They had recommended the town change their impact fee assessment in two important ways: Increase the residential fee to \$3883 and create an impact fee for hotel units. The transient residents had never been assessed a fee. He pointed out those fees were the maximum fees the town could legally justify. The Council could assess less, but in order to maintain the same level of service, the town would have to use funding from other sources. He explained the fee wouldn't take effect until 90 days after passage.

**Motion to open public hearing by Mark Chambers, seconded by Louise Excell:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

- Dan Mabbutt encouraged the Town to assess the maximum or close-to-maximum fee. He subjectively evaluated that the average visitor used facilities as much or more than citizens, and the town was entirely justified to ask visitors to share in the cost of those facilities.
- Mike Marriott respectfully disagreed with Mr. Mabbutt – he used the parks regularly, but he didn't think visitors used the parks in the same way. He had traveled extensively, but he had never traveled with the intent to use municipal park facilities. He agreed there was a strong possibility visitors used the parks facilities and should share in costs, but the fee need to be reasonable. In 17 years he had never heard a guest mention visiting the Town's parks. They visited the National Park. He thought a one-to-one base was outrageous. He thought the acreage of Zion National

Park should have been considered in the computations. He also didn't think it was appropriate to raise the cost of a new home by almost 20% and he didn't support enacting Impact fees on hotel rooms to this magnitude.

- Adolpho Alarcon, the manager of the Pioneer Restaurant, said he didn't think the fees would help any of the people who were employed in Springdale – many of them drove from Virgin, LaVerkin, Hurricane, or other places downriver. Increasing the cost of housing would only make their lives harder. He urged the Council to reconsider the fees.
- Stan Smith said he could see the benefits of both sides of the argument. An additional fee would perhaps slow down growth, especially of hotels. However, he thought the fee was excessive. An additional tax on a revenue-producing hotel wasn't necessarily a good plan, either. It would make much more difference to a mom-and-pop development
- Dan Mabbutt pointed out that the tax would be an investment in the beauty and amenities of the town. He thought reducing or not requiring the fee would be short-term thinking instead of long-term.
- Mr. Marriott said he didn't understand why the other commercial businesses weren't required to participate. He said this looked like the town was overreacting to the building of two new large motels.
- Mr. Smith said he hoped there would be a tax credit for hotels with swimming pools, playgrounds and parks. He agreed that other commercial entities should participate.

**Motion to close the public hearing by Louise Excell, seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Deliberation:**

- In response to Mr. Chambers' questioning why other commercial businesses weren't assessed, Mr. Dansie explained the fee calculation was based on population bases – permanent and transient. Those were measurable bases that could be administered. It would be more difficult to determine a population base for a restaurant or gift shop. A guest in a restaurant might also be a guest in a hotel which had already paid an assessment. The council acknowledged that would be complex and had the potential for double assessment.
- Mr. Player said he hadn't understood the fee was \$3200 per room. He asked if that included B&B's. It did.
- Ms. Excell said she had years of anecdotal experience watching how many visitors used the town's parks. She had met many people from St. George who brought their dogs to the River Park to let them run free, because they could. She knew that people were told at hotel desks they could use the tennis courts for free and they could tube in the river and get out at the river park. She loved the idea of higher transient lodging development fees –She realized the Town would obviously run out of water in the future; perhaps increasing this fee would slow things down.
- Mr. Chambers disclosed he was the owner of a transient lodging facility. He said hotels had recreation facilities, but they were private, not public. There were more and more visitors to Zion and less places of solitude there. Springdale's parks and trails were likely to become more sought out amenities as Zion's visitation increased. He pointed out that maintenance and creation of parks and trails cost money and there were no fees charged for using the Town's amenities. He said 'Yes, if I chose to add an addition room to my business, \$3200 would be a lot of money, but it was also essentially one month of profit.' But his guests might be able to use a new trail that provided solitude they couldn't find on a trail in Zion. As much as he disliked making people pay more money, he didn't see any way to achieve what they wanted to do with parks without moving ahead with this.
- Mr. Player said he arrived at the meeting thinking this made complete sense. A slight increase in residential impact and an assessment on commercial users, too. The comments he'd heard from the businesses had given him a lot to consider, but he agreed with Mr. Chambers and Ms. Excell – water was going to be a problem. He was running for another term on the council and if people chose not to vote for him because he was in favor? "Oh, well," he said.
- The Mayor wondered why transient lodging facilities had never been assessed before. She recognized they created an impact.

**Motion by Louise Excell to adopt resolution 2013-10 adopting impact fees as described in the ordinance, specifically for parks and recreation, increasing the residential impact fee to \$3883 and implementing a transient lodging per-unit impact fee of \$3285; seconded by Mark**

**Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

#### **Request for Impact Fee Waiver - Pioneer Restaurant Employee Housing**

- Mr. Dansie explained that Pioneer Restaurant had been through Planning Commission reviews already.
- Mr. Alarcon explained the impact fee was a significant portion of the construction fees. The impact fees were contrary to the objective of making more employee housing available. They were requesting a waiver of the \$3000 parks impact fee. The new apartment would be for Mr. Alarcon himself. He had been trying to commute from LaVerkin, which was too difficult for him. The apartment would never be a nightly rental.
- Ms. Excell said all the research the affordable housing committee had been doing to create strategies was soon going to be presented to the Commission. One of the ideas the committee would recommend was providing incentives for affordable housing, but there wasn't anything in place in the ordinances. One of the principal concerns was how to ensure an incentive would guarantee the dwelling would always be employee housing. Mr. Alarcon said the owners would guarantee that.
- Mr. Player asked about the incentives for Redhawk. Mr. Wixom said the impact fees for the Redhawk houses had been deferred for the duration of the affordability period. He suggested that could be a template for employee housing incentives.
- Mr. Chambers referred to General Plan objective 5.3.1: *Encourage Springdale employers to provide housing for their employees*. He knew other employers would want to do this. He suggested the Planning Commission should draft some regulatory language. Mr. Dansie said fee waivers weren't technically under the Planning Commission's purview, but staff could structure an agreement. Ms. Excell said it had to make sense and be consistently applied. She was in favor of something that would benefit the town as well as the employer.
- Mr. Chambers asked if the staff could bring something to the council at the next meeting. Mr. Alarcon said waiting would be difficult for him and his employer – the construction had already been delayed. He asked the Council to help him and his family. Mr. Dansie suggested that if the Council wished to help, they could allow the building permit to be issued without the impact fee being paid, contingent on either an approved agreement for deferred payment or the requirement of the fee being paid before a certificate of occupancy was issued. That would mean there was some risk for the Pioneer.
- The council discussed how the policy they were considering for the Pioneer might affect future policy; how a lack of a solid policy now might affect the Pioneer if a satisfactory policy wasn't worked out, how the council's on-going policy had been to encourage and support employee housing and it was unlikely they would 'go backward' on that.

**Motion by Mark Chambers to direct staff to start drafting an Employers Housing policy for impact fees that will address a deferred payment, in case it becomes a commercial property or private home later; and they look at a fee structure that would make it affordable to supply employee housing, and to present that at the next town council meeting; seconded by Louise**

**Excell:** The mayor questioned whether the council could take this action since it wasn't listed on the agenda. The clerk said she thought it was an action directly related to and in response to the applicant's request. Mr. Wixom also thought it was within the scope of the agenda item. 'If you had adopted new policy, that would have been inappropriate. Directing staff to begin drafting a policy for later action is a response to the request.'

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

Ms. Excell said the council's directive provided an opportunity to create some kind of consistent direction and action for the council in cases of providing incentives for employee housing in Springdale until such time as the planning commission and town council approved a more comprehensive policy initiative to do exactly that.

**In direct response to the request by the Pioneer Restaurant to create employee housing and their request for a waiver of the park impact fee, Louise Excell moved that the Park Impact Fee of \$3000 for the Pioneer Restaurant employee housing be deferred until such time as the Town enacts a formal policy on employee housing incentives that waives or reduces the fees or until such time as the residence becomes either a commercial or private residence that isn't occupied by an employee:**

The mayor asked if the Pioneer could add a rental room because of their parking constraints. They already had an issue. Mr. Dansie said they could not; in fact, the only reason they qualified under the building size limit was because there was a size incentive for employee housing. The mayor said, under those circumstances, it would be unlikely the housing could ever be used for commercial use or non-employee housing use. **The motion was seconded by Adrian Player:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

#### **Resolution 2013-11 Lease purchase of vehicles:**

Mr. Wixom explained these lease documents were for the Streets Department Truck and the Police Chief's vehicle. Both were approved in the budget. The financing was through Zions Bank Public Finance. This lease would cost the town \$71,689 total, broken into five annual payments of \$14,785. The interest rate was only 1.56%. In five years, the town would own both vehicles. Unlike the police officer vehicles, these would be retained at the end of 5 years.

He explained that an old parks department truck would be sold at a surplus sale. The Chief's old vehicle could be used by reserve officers, compliance officer, staff, etc.

Mr. Wixom told the Council the attorney's approval letter hadn't been received yet; if the council approved the documents, the motion needed to include language that made approval contingent on attorney review and approval. The original documents, which were in the council packets, had been revised. Any reference to City Council had been changed to Town Council. Ms. LaFave had been removed from the 'present list'.

**Motion by Mark Chambers to adopt Resolution 2013-11 approving the form of the equipment lease agreement with Zions First National Bank, Salt Lake City, Utah. Finding it is in the best interests of the Town of Springdale, Utah to enter into said agreement, he authorized the execution and delivery thereof once we have received legal opinion and review; this authorized the Mayor to execute and sign; seconded by Adrian Player:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

#### **Personnel Policy revision: Driver Qualification policy**

Mr. Wixom said the Local Government Trust, the town's insurance carrier, was constantly evolving ways to make workplaces safer and reduce claims. This policy would require review employees' past and current driving records. It would qualify drivers as acceptable, borderline, or unacceptable. The staff had seen the policy. They would have to sign release forms.

Mr. Chambers suggested reformatting the format of the charts on page 7. Mr. Wixom agreed they were a little confusing and said he would change the format. Mr. Chambers asked if the attorney had reviewed the policy. He thought 'egregious actions' might lead to discipline or termination, which might lead to a question of illegal firing. Mr. Wixom would make sure Mr. Hardman reviewed it.

**Motion by Louise Excell to approve the Personnel Policy revision regarding Driver Qualification policy pending final legal review and with the recommended changes in formatting brought forward by Councilman Chambers; seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**  
**Excell: Aye**  
**Player: Aye**  
**Motion passed unanimously.**

**Appointment of counting judges for primary election: Motion by Louise Excell to appoint Bonnie Timmerman, Dennis Timmerman and Kneisha Grow as counting judges and Lisa Zumpft as alternate for the primary election on August 13, 2013, seconded by Adrian Player:**

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

**Council direction regarding the Police Advisory Committee:** Ms. Excell said she asked for this to be on the agenda – she had only been doing this Town Council thing for a few months, she joked, but she had just learned there was a police advisory committee that met quarterly to review the police stats, etc. The committee was comprised of the town manager, the mayor and representatives of the other two towns. She understood they were privy to information not readily available to the council. She asked that following each quarterly meeting, a formal report be made to the council. The Mayor suggested the council receive the same information provided to the committee. **Motion by Louise Excell that the town council be advised by email of the agenda and information provided for each quarterly Police Advisor Committee meeting and that following each of those meetings, any concerns or issues that arose be reported to the council either at a council meeting or a subsequent email; seconded by Mark Chambers:**

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

**Consent Agenda:** Invoices; Minutes of Special meeting June 26, regular meeting Apr 17: The clerk thanked the council for the corrections they had provided via email. She had made those corrections and the mayor had the corrected versions in the mayor's signature folder.

<u>Inv Date</u>	<u>Inv #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Bud</u>	<u>Description</u>
6/12/2013	302618	AED Superstore	\$ 1,101.00	Y	AED Batteries
6/22/2013	38336362	Chevron	\$ 2,459.98	Y	Fuel
5/25/2013	60	E Cubed Engineers	\$ 1,073.25	Y	Plan Review - Gertsner
6/12/2013	S130612	Emergency Vehicle Systems	\$ 986.00	Y	Police Vehicle Equipment
6/6/2013	8451	Holbrook Asphalt	\$ 31,537.00	Y	Sealcoating - Lion Blvd./Manzanita
6/1/2013	SD05311301	King, William (E & M Services)	\$ 1,230.35	Y	Troubleshoot Tank
6/18/2013	SD06181303	King, William (E & M Services)	\$ 3,850.00	Y	Configure Pump Station Totalizers
6/18/2013	SD06181302	King, William (E & M Services)	\$ 740.00	Y	Troubleshoot Pump Stations
4/30/2013	7328	Lee, Budd & Sons	\$ 3,070.25	Y	Water Break Contract Labor
6/1/2013	N/A	McConkie, Marshall	\$ 850.00	Y	Monthly Prosecution Retainer
6/7/2013	I355059-IN	Pollardwater.com	\$ 7,439.01	Y	Trench Shoring Equipment
5/30/2013	Consolidated	Rocky Mountain Power	\$ 5,600.13	Y	Electric Service
1/14/2013	67322	Sunrise Engineering	\$ 1,885.00	Y	Parks Impact Fee Plan Update
5/14/2013	68618	Sunrise Engineering	\$ 2,892.50	Y	Engineering Services
6/11/2013	68880	Sunrise Engineering	\$ 586.00	Y	Engineering Services
6/11/2013	68884	Sunrise Engineering	\$ 1,795.00	Y	Juniper Improvement Project Design
6/11/2013	68881	Sunrise Engineering	\$ 524.00	Y	Parks Impact Fee Plan Update
5/24/2013	1310108	Thatcher Company	\$ 2,962.20	Y	Alum/T-Floc
5/29/2013	971386	USA BlueBook	\$ 2,860.30	Y	Chlorine Auto-Rate
5/28/2013	970546	USA BlueBook	\$ 2,185.61	Y	Sensors

6/16/2013	9706674809	Verizon Wireless	\$ 896.15	Y	Cell Service
			\$ 76,523.73		

**Motion by Louise Excell to approve the consent agenda including the revisions to the minutes, seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

**Administrative Non-Action Items**

**Department Reports:** Mr. Dansie said the Planning Commission had decided not to take any action on revising the ordinance regarding formula restaurants until they knew the results of the legal challenge – if the ordinance would be upheld or not, that would shape the new ordinance. Any changes they might consider, or any input they might gather from the community, could be pointless, depending on how the judge ruled. The Commission thought the current ordinance was sufficient and fairly strong. In terms of appearance of buildings, the ordinance was sufficient.

**Council Discussion:**

- Mr. Chambers asked about the status of the code enforcement duties. Mr. Dansie said he and the police department had been tracking their collective hours spent on code enforcement. They would track the time for a few more weeks and then determine how much time was really needed for the job. Then it could be determined whether the job was full-time, part-time or could be done by current staff. Mr. Dansie said there was a lot more that could be done if there were resources. The Mayor said she had also asked the staff to identify the duties that weren't getting attention because they were working on compliance issues.
- There was a short break.
- Ms. Excell asked about business licensing for the yoga and aerobics providers at the CCC. Ms. Cope explained that when the CCC opened, the staff had determined a policy that none of the providers or vendors at CCC events would be subject to a town business license because of the public service nature of what they were doing. Though they charged fees, the fees were far lower than one-on-one fees; Mr. Wixom said they paid a small rental fee to the CCC. Ms. Cope said the council could make a different policy if they thought that was appropriate.
- Ms. Excell urged the Town Council to consider their responsibility to the administration of the Town. She thought they had not been overseeing the Town as well as they should have been. There was a long discussion about the responsibilities of the town council and the staff. The Council thought they should meet in a retreat to discuss their roles and responsibilities in depth. They discussed scheduling and venue. The narrowed it to sometime between July 22 - 26. The Mayor would contact Ms. LaFave the following day and advise the clerk of the decision.

**Adjourn: Motion by Louise Excell to adjourn at 7:34 pm; seconded by Mark Chambers:**

**Chambers: Aye**

**Cluff: Aye**

**Excell: Aye**

**Player: Aye**

**Motion passed unanimously.**

\_\_\_\_\_  
Fay Cope, Town Clerk

APPROVED \_\_\_\_\_