



TOWN OF SPRINGDALE

1862-2012

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MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON WEDNESDAY, JUNE 12, 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, Town Clerk Fay Cope, recording. 20 citizens signed in; see attached list.

Pledge of Allegiance: Mayor Cluff

Approval of agenda: Motion by Louise Excell to approve the agenda with the deletion of the visitors Bureau report and Take Title 10 from the non-action agenda and the removal of the Feb. 13 minutes from the consent agenda; seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Discussion/Information/Non-action Items

General discussion & announcements:

The Clerk announced who had filed for the town council seats: For Mayor: Mark Chambers, Kathy LaFave and Stan Smith. A primary would be required for this race. For two council seats: Tiffany Suerig Farnsworth, Jack Fotheringham, Adrian Player and Bill Weyher.

Mark Chambers announced ZC3 had initiated the creation of maps showing where camping was allowed along the SR-9 corridor. They were also looking for input about points of interest along the corridor – cultural, historical, and recreational, etc. There were forms to complete to help with that process.

Visitors Bureau report – canceled at Dean Cook's request

Zion Park update – Supt. Whitworth reported that visitation was down last month. He stated the Fire budget had been cut significantly – not just in Zion, but regionally. He couldn't explain why the Feds had cut that budget – everyone was forecasting a huge fire season. He strongly suggested that everyone make sure there were defensible areas around their buildings and homes. The forecasts were for thunderstorms in the next few days, and lightning strikes were the cause of several of the fires already ablaze in the state.

General Plan report: Mr. Dansie reported that the housing committee had make recommendations to the Planning Commission about several ways to increase the affordable housing inventory in Springdale. Some of those suggestions, if accepted, would result in ordinance changes in the upcoming months.

As a result of the joint meeting about future growth, a survey had been drafted and would be sent out to the community very soon.

Take 10: canceled
Community questions: none

Action items

The mayor referred the audience to the hearing protocol on the back of the agenda.

Public Hearing – Zone Change: The Paiute Indian Tribe of Utah requests a zone change on property located above and to the east of the George Barker River Park (parcels S-162-A-1-C and S-162-A-1-A):

- a. **Approximately 57.5 acres to be changed from Foothill Residential (FR) to Village Commercial (VC).**
- b. **Approximately 120.5 acres to be changed from Foothill Residential (FR) to Public Use (PU).**

Mr. Dansie explained the council would have to find the zone change met at least one of the three criteria required by the ordinance: 1) It furthered the goals and objectives of the General Plan; 2) it responded to a substantial change in the neighborhood; 3) it corrected an error. He didn't think the last two points were applicable.

Betina Lindsay asked how the property was zoned before it was residential. Mr. Dansie explained the property had been zoned foothill residential (FR) since at least 1992.

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.

Bill Bassett declared a potential conflict because he sat on the Board of Adjustment. As a citizen of Springdale, he thought it was inappropriate to consider a zone change from residential to commercial without considerable benefit to the town. He didn't think the level of benefit to the town warranted a zone change.

Bert Chamberlain said the town had historically prohibited hillside scarring as much as possible. He thought the scarring that would be caused by bringing the roadway to code and safety requirements would be significant. He reminded the commission that a housing project proposed on that hillside had been denied because of the same kind of roadway issues.

Randy Taylor was concerned because in the last two hearings, not much had been expressed about fire and safety issues. The proposal was for a large development with very limited and steep (18% grade) access. The fire marshal might require a second access/exit and its location was inconceivable. He also expressed concern about the 20-acre property enclosed within the 57 acres. It was only logical that owner would approach the town for a zone change, too. If the town approved this change, the precedent had been set to allow another change. That would make 77 acres of village commercial on the hill.

Dan Mabbutt said he didn't think there was any serious opposition to the concept of an Indian cultural center. He thought it wasn't warranted to state Springdale was against the idea of that kind of project. He thought this project was flawed, but another proposal might not be.

Betina Lindsay said she thought the Town had more power to control the project at this stage. She cautioned the Council: Every time the Town considered a zone change, they should take as much time as they could and be wise stewards. They should involve the community as much as possible.

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

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Ms. LaFave said she wouldn't want to send any kind of message to the Paiutes that their culture wasn't precious and didn't deserve to be preserved. She had encouraged and supported displays of the Paiute culture – in Springdale - in the past. However, the hillsides around Springdale were pristine. She could not envision having a commercial development of that size and caliber on the hillside; she thought it would be detrimental to the community and the National Park. There were also issues of safety and fire. If you invited people to stay in the foothills, you had to take care of them; she was not sure Springdale could do that. The traffic impact would also be huge. She could not support a zone change on that property.

Adrian Player said he wasn't completely sure where the access to the project would be, but he knew the existing bridge and road wouldn't be wide enough; he wasn't sure it would support fire or emergency equipment. He didn't think a fire truck could get up the road. He was not supportive.

Mark Chambers expressed his support of the Paiutes, but he was very concern about safety and other issues expressed already, including the inconsistency with the General Plan - particularly the objective discouraging changing zoning from residential to commercial. That hillside was not the right location. He also thought 57.5 acres was a huge leap from residential to commercial. It seemed to him the General Plan said not to approve this.

Louise Excell said she had nothing more to add and was prepared to make a motion when the Mayor was ready to call for a motion.

Mayor Cluff agreed with other councilmembers and also thought a 40% increase in the size of the Village Commercial zone was too big a leap to take all at once.

Motion by Louise Excell to deny the zone change request for the Paiute Tribe of Utah with the following findings:

The zone change was inconsistent with the following objectives of the General Plan:

2.1.4 Preserve natural open space areas throughout the community.

2.2.1 Protect scenic views of ridgelines, hillsides, cliffs, the Virgin River and the river corridor, and other natural scenic elements as seen from the valley floor and the SR-9 highway corridor.

3.2.1 To the greatest extent possible, avoid rezoning properties from residential to commercial.

7.6.1 Minimize the impact and effect of the Town and its developments on the Virgin River Corridor.

13.1.1 Ensure new development and redevelopment in the town is consistent with the Future Land Use Map. The map designates this property as 'Conservation', which is defined in this way: These are areas of high natural resource value. These areas could include steep slopes, important viewsheds and other visually important areas, wetlands and riparian areas, wildlife corridors, and other areas of high resource value. Conservation areas should be minimally developed. Development that does occur should be designed such that it does not impair the resource value of the area. Public access to conservation areas may be appropriate, and should be accomplished through pedestrian trails. Suggested uses: Open spaces, very low density residential (single family: 1 unit per 5 acres.)

Seconded by Kathy LaFave;

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Request for assistance with July 24th Events – Mike Marriott thanked the Council for giving him time on the agenda. He explained there would be another LaVerkin Stake service project on July 20 at 8AM at the Confluence Park. He invited everyone in the room to participate. On the 24th, he hoped to have another softball tournament. He asked to reserve the ballfield. He said he also wanted to have an evening celebration including the 2nd Annual kabob-a-que, an obstacle course race, blacksmithing exhibitions, a live band, a pie eating contest and more. Last year there were about 1100 people; this year could be less or more. He asked the Town – as well as the audience – for support. He asked for permission to use the stage and perhaps the large tent. He asked for a \$250 cash donation from the town to help with costs.

The mayor asked if there were funds in the budget. Mr. Wixom said there was money that could be moved into community events during the budget hearing. Putting up the tent and stage wasn't a significant draw on staff resources and would enhance the event.

Ms. LaFave thanked Mr. Marriott. This sounded like the perfect summer event and community builder.

Motion by Kathy LaFave to approve everything Mr. Marriott had requested, including the \$250 donation. Seconded by Louise Excell;

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Resolution 2013-07 Baja Cable Franchise Agreement Transfer:

Mayor Cluff said she had met with the Baja representative. After the last council meeting, when this application was tabled, the motels had been contacted – there were several that were using the cable service, even though they thought the service was inadequate. Because there were so many users, it wouldn't be feasible to reject this agreement. If the service didn't improve, maybe the time had come to encourage hoteliers to make the change to wireless. If the cable company were gone, there were lines and poles that could 'go away.' Mr. Wixom said the franchise agreement expired in 2015. It was a good time to make Baja aware they needed to make changes.

Motion by Louise Excell to adopt Resolution 2013-07 approving the transfer of the Baja Cable Franchise Agreement Transfer, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: no

Player: Aye

Motion passed 4-1.

Local Consent and proximity variance for limited restaurant liquor license for Parrothead Baja Grill at 792 Zion Park Blvd. – Stew Ferber said it had taken him two weeks to fill out the application for the liquor license. Ms. Cope explained the location was so close to the proximity limit that DABC was going to have to make the call about whether he needed a variance; the town's variance would be in place if DABC determined he needed one. **Motion by Kathy LaFave to grant local consent and proximity variance for limited restaurant liquor license for Parrothead Baja Grill at 792 Zion Park Blvd, seconded by Adrian Player:**

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Local Consent and proximity variance for limited restaurant liquor license for MeMe's Café at 975 Zion Park Blvd.:

Motion by Kathy LaFave to grant local consent and proximity variance for MeMe's Café at 975 Zion Park Blvd., more than 200, less than 600; seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Juniper Lane Development Agreement with Max Gregoric:

Motion by Kathy LaFave to approve the Juniper Lane Development Agreement with Max Gregoric and authorize the mayor to sign; seconded by Adrian Player:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Request Approval for Planting in Anasazi Plateau Conservation Easement: Nancy & Gary Guardabascio. Mr. Dansie explained the zoning ordinance required replacing trees at 2:1 ratio if they were removed during construction. In Anasazi, the building pods were small and sometimes soils or rocks made it difficult to replant per the requirement. The Guardabascios were requesting permission to plant trees in some of the already disturbed areas of the Conservation Easement.

Motion by Mark Chambers to grant approval of planting in the conservation easement per the Guardabascio plan; seconded by Louise Excell:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Ordinance 2013-06 Revising Title 1, Chapter 9 – Procurement:

Mr. Wixom reviewed a few changes made since the council had reviewed the ordinance in the May meeting. Ms. Excell said this policy was a great improvement over the existing policy.

Motion by Louise Excell to adopt Ordinance 2013-06 Revising Title 1, Chapter 9 – Procurement, seconded by Kathy LaFave:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Public Budget Hearing: Resolution 2013-08 adopting a final budget for FY2013-14:

Ms. Excell asked about the river park paving – Mr. Wixom explained he had bids for both sealcoat and paving; a decision would be made at a later time about which to do. If paving wasn't required, the extra funds would stay in the fund balance.

Shaunna Young asked if the Town had budgeted for a part-time police officer. Mr. Wixom explained no, but the budget included funding for a code-enforcement officer position.

Motion to open budget hearing by Kathy LaFave, seconded by Adrian Player:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

There were no comments.

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

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye
Player: Aye
Motion passed unanimously.

Ms. LaFave said she wanted to move carefully before hiring a code enforcement officer. She had talked with the police department and other office positions that might be able to dedicate 5 hours a week to other tasks. She wanted to make sure options were explored before hiring another person. Ms. Excell said it wouldn't work to have six people splitting the position. Ms. LaFave said that wasn't what she meant. Mr. Chambers said it was time to act on this. It was imperative to have a code enforcement officer. Ms. LaFave agreed. Ms. Excell said the council had discussed having a police officer take the position. There was still a question about how much time would be taken from patrol. There also needed to be a discussion about how aggressive the code enforcement officer would be. Mr. Dansie said he and Chief Wright had mainly been discussing having one of the officers take over the responsibilities. There were many advantages; the disadvantage was loss of patrol time. Ms. LaFave said she didn't want to advertise the position yet. The budget could be approved as written; if all the funds weren't needed, they could be allocated elsewhere. The Mayor said she would talk with Chief Wright the next day. Mr. Player said it sounded like there needed to be a desk audit. Mr. Wixom said the budget included a part time parks position for a mower-person. He wanted to hire that person right away. The council thought that was appropriate.

Motion by Kathy LaFave to adopt Resolution 2013-08 adopting a final budget for FY2013-14, seconded by Louise Excell:
Chambers: Aye
Cluff: Aye
Excell: Aye
LaFave: Aye
Player: Aye
Motion passed unanimously. (See amended motion, below.)

Consent Agenda: Invoices, Minutes May 23, 2013

| | <u>Inv Date</u> | <u>Inv #</u> | <u>Vendor</u> | <u>Amount</u> | <u>Bud- geted</u> | <u>Description</u> |
|----|-----------------|--------------|----------------------|---------------|-----------------------|------------------------------|
| 1 | 4/25/2013 | 3017100586 | AmeriGas | \$ 738.10 | Y | Propane |
| 2 | 5/22/2013 | 38067109 | Chevron | \$ 3,117.00 | Y | Fuel |
| 3 | 5/15/2013 | 2013/1447 | City of St. George | \$ 1,246.00 | Y* | Quarterly Dispatch Fees |
| 4 | 5/10/2013 | 55 | E Cubed | \$ 5,160.34 | Y | Rayner Townhouse Plan Review |
| 5 | 5/10/2013 | 56 | E Cubed | \$ 987.63 | Y | Baldrige Plan Review |
| 6 | 5/10/2013 | 57 | E Cubed | \$ 848.72 | Y | Wilson Plan Review |
| 7 | 5/10/2013 | 58 | E Cubed | \$ 1,381.61 | Y | Goodman Plan Review |
| 8 | 5/10/2013 | 59 | E Cubed | \$ 977.56 | Y | Hoover Plan Review |
| 9 | 5/1/2013 | N/A | ICMA | \$ 699.00 | Y | Annual Dues |
| 10 | 5/13/2013 | 0062449-IN | Master Meter Systems | \$ 1,500.00 | Y | Annual Support |
| 11 | 5/1/2013 | 17277 | Pelorus Methods | \$ 1,300.00 | Y | Quarterly Support |
| 12 | 4/30/2013 | Consolidated | Rocky Mountain Power | \$ 5,259.00 | Y | Electric Service |
| 13 | 5/3/2013 | 58920 | Snow Jensen & Reece | \$ 4,428.06 | Y | General Representation |
| 14 | 5/7/2013 | 68430 | Sunrise Engineering | \$ 1,330.00 | Y | Landslide Monitoring |
| 15 | 1/14/2013 | 67317 | Sunrise Engineering | \$ 4,258.25 | Y | Engineering Services |
| 16 | 3/13/2003 | 67923 | Sunrise Engineering | \$ 1,357.00 | Y | Engineering Services |
| 17 | 4/4/2013 | 68025 | Sunrise Engineering | \$ 832.50 | Y | Engineering Services |
| 18 | 2/13/2013 | 67644 | Sunrise Engineering | \$ 5,610.00 | Y | Parks Impact Fee Plan Update |
| 19 | 3/13/2013 | 67926 | Sunrise Engineering | \$ 1,445.00 | Y | Parks Impact Fee Plan Update |
| 20 | 4/4/2013 | 68028 | Sunrise Engineering | \$ 631.00 | Y | Parks Impact Fee Plan Update |

| | | | | | | |
|----|-----------|------------|--|--------------|---|-------------------|
| 21 | 3/25/2013 | N/A | Utah League of Cities and Towns | \$ 914.06 | Y | Annual Membership |
| 22 | 5/16/2013 | 9705007461 | Verizon Wireless | \$ 909.36 | Y | Cell Service |
| 23 | 5/13/2013 | 149781 | Western Rock Products | \$ 2,635.25 | Y | Asphalt Patching |
| | | | | \$ 47,565.44 | | |
| | | | *R/S FPD billed for one-half of the dispatch fees. | | | |

Motion by Louise Excell to approve the consent agenda with corrections to the 5/23/13 minutes as discussed with the clerk, seconded by Mark Chambers:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Administrative Non-Action Items

Department Reports: No discussion.

Council Discussion: The Mayor said many restaurants in town were having live music events without getting any kind of event permit. The music was often amplified; which was disruptive to the neighborhoods. People were also buying beer and sitting outside to hear the music. She thought if there was amplified music, there should be a permit so it could be monitored. The council discussed the loss of evening quiet versus the appeal of music in the evening; whether amplification was the problem, the vitality and energy of a lively commercial district in the season, the importance of the 11 pm to 7 am quiet time, and whether the nuisance ordinance ought to be changed because of the amplified music. The bottom line: Would Springdale be a music town or a quiet town? Ms. LaFave suggested the first step in resolving the noise problem was to have the staff approach businesses to ask them to keep the noise level low and be mindful and respectful of their neighbors.

Ms. LaFave apologized in advance – the airline had changed her flight so he would not be available for the July meeting. She said she would be gone for much of July. Mr. Player said he would not be available for the June 26th meeting.

Mr. Player suggested the council try to limit meetings to one per month. He thought except for emergencies, they shouldn't be meeting more than once per month. He thought there weren't enough people present at the meetings – if the room was full, that might be different. He also wanted to know if the planning commission needed two meetings per month – he'd gotten feedback from commissioners that they didn't need two meetings, but they did it anyway. Mr. Dansie explained that the commission typically had a meeting for application approvals, and another for working on the crafting of ordinances. Those were separate functions, and often, having separate meetings made the process work better. Ms. Excell said serving on the Planning Commission was 'heavy lifting'. The council should thank them more often. She said her motion regarding the Paiute zone change should have acknowledged the Commission for the work they had done to facilitate the Council's decision.

Mr. Chambers asked about fireworks. The Council realized it was far too dry to allow any kind of fireworks. The Fire District usually made that decision. Mr. Chambers asked if the Town could contact Rocky Mountain Power about all the power outages happening lately. The Mayor said the outages that afternoon had taken out her air conditioner. Mr. Player said there had been two within an hour that afternoon. Mr. Chambers said it was happening more often than it used to. Ms. Excell said it was possible that power lines were bumping together, which was out of anyone's control.

Ms. LaFave realized her motion to approve the budget resolution 2013-08 had not included the transfer they needed to make for the 24th of July funding. **The mayor called for the re-opening of the resolution about the budget. Kathy LaFave amended her original motion adopting budget**

resolution 2013-08 to include transferring \$250 from 51-31-35 to 10-53-50 for city celebrations. Louise Excell had seconded the original motion; she accepted the amendment and seconded the new motion.

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously

Ms. Excell said Eric and Michelle Bonner reported to her there was a Las Vegas Tour group named Camp Out Inc. that was utilizing the river park, with noisy generators and flaming grills, on the weekend. It was a big operation with a lot of people taking over the park. She had gotten information about them and suggested Chief Wright should contact them to have them reserve the Gazebo Park or go elsewhere. Mr. Chambers wanted to ensure that contact was made before they arrived in Springdale. The River Park was not ever rented because it was intended to be open to all and provide public access to the river.

Closed Meeting:

Motion by Kathy LaFave to close the meeting at Springdale Town Hall at PM to discuss professional competence, or physical or mental health of an individual; seconded by Louise Excell:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

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

ALSO PRESENT: Town Manager Rick Wixom

Closed meeting was adjourned to regular meeting at 7:12PM.

Action required by Closed Meeting: none

Adjourn: Motion by Kathy LaFave to adjourn, seconded by Louise Excell:

Chambers: Aye

Cluff: Aye

Excell: Aye

LaFave: Aye

Player: Aye

Motion passed unanimously.

Fay Cope, Town Clerk

APPROVED _____