



**MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON
WEDNESDAY, APRIL 17, 2019
AT TOWN HALL, 118 LION BOULEVARD, SPRINGDALE, UTAH
MEETING BEGINS AT 5:00PM**

The meeting convened at 5:00pm

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

ALSO PRESENT: Town Manager Rick Wixom, DCD Tom Dansie, Town Attorney Devin Snow, and Town Clerk Darci Carlson recording.

Pledge of allegiance led by Mayor Stanley J. Smith.

Motion made by Lisa Zumpft to approve the April 17, 2019 meeting agenda; seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

A. Information/Non-Action Items

1. General announcements: Ryan Gubler announced Earth Day was scheduled for Saturday, April 20th from 1:00pm to 6:00pm at the Town ballfield. There would be live music, food, vendors and education on sustainability.

Zion National Park planned an 'entrance fee-free' day on Saturday.

Ms. Zumpft thanked those who participated in the tumbleweed clean-up. There was quite a turnout from the Paiute tribe which was appreciated. Another clean-up event was scheduled for April 26th from 8:00am to 10:00am at the George Barker Park.

Mayor Smith acknowledged the passing of Larry McKown. Mayor Smith recalled many fine years associated with Larry and said he would be fondly remembered for organizing the St. Patrick's Day festivities in Town. Larry was a dreamer and added much to the Town of Springdale. Mayor Smith extended condolences to Larry's family.

2. Zion National Park update: Park Facility Manager Treacy Stone reported for Superintendent Bradybaugh:

- Due to spring break and Easter week, the Park was experiencing large crowds.
- Weather permitting, the Zion-Mount Carmel Highway road repairs would continue on schedule. The east side gate was open from 9am-5pm daily, although vehicles had to turn around before the tunnel at the Canyon Overlook parking lot.
- Visitation this month totaled 293,000 compared to 375,000 last year, a decrease of 22%.

Mayor Smith expressed disappointment in the Congressional leaders' choices for fee-free days. They often coincided with already busy weekends in the Park.

3. Community questions and comments: None were asked.

B. Action Items – Administrative

1. Public Hearing - Development Agreement, continued from March 13, 2019: The Springdale Historic Preservation Commission has requested a development agreement between the Town of Springdale and the owners of the Best Western Hotel located at 668 Zion Park Boulevard. The agreement would transfer ownership of a historic building and the property on which it sits to the Town and would allow the construction of 8 additional transient lodging units on the Best Western property: Mayor Smith announced the Public Hearing was not a requirement but scheduled to obtain as much public comment as possible. The Council understood there were strong feelings both for and against this issue.

Mr. Dansie explained the essence of the agreement. In exchange for allowing eight more units to be constructed on the Best Western property, the Town would receive the deed for the front yellow house and surrounding land. The Council previously reviewed this agenda item and expressed support to preserve the Town's history but voiced concerns over noncompliant land use standards. In response, a revised lot configuration was being proposed which resolved the lot width and on-site parking issues. Lot area remained noncompliant, but if the yellow house lot was rezoned to Public Use, this issue would also be resolved. Any modifications to setback and landscape would need to be authorized through the development agreement.

Questions from Council to staff – If approved, Mr. Alltucker asked what happened with the nonconforming uses.

- Currently the side setback for both the yellow house and the employee housing structure were noncompliant. This would remain unchanged even with a development agreement. Mr. Dansie explained a newly created lot line drawn between these two buildings would not meet the required ten-foot (10') setback and the development agreement would need to specifically authorize this setback be reduced.

Mr. Aton asked about compliance of the landscape requirement for the Public Use zone.

- Given the scale of the current model Mr. Dansie said the landscape requirement was close but not 100% accurate.

Mr. Alltucker asked about the zone change process.

- If approved tonight, the next step would be to draft the development agreement document for ratification. There would also be a subdivision and zone change process, a DDR for the additional eight units, and a DDR for the historic structure. The development agreement was contingent upon all of these being approved.

Mr. Player asked about location of the proposed eight hotel units.

- The packet material contained a site plan showing the contemplated location at the back of the property. The Council could bind the developer to this location.

Questions from the public to staff – Mark Chambers thanked the Council for holding a public hearing. He asked if this property would need to comply with code sections 10-23-7G and 10-23-7K.

- These standards were specific to the Central Commercial Zone. If this property was rezoned to Public Use, then these standards would not be applicable.

Mr. Chambers asked if parking was considered landscape or open space.

- Mr. Dansie answered 'no'. Based on the current model, it appeared compliance with the landscape requirement on this property was close but would require further analysis to verify. In terms of parking, onsite parking could be developed to be compliant in the Public Use Zone.

If there was a visitor center component, Mr. Chambers noted Washington County would provide close to 60% of the operating budget. He asked the staff policy for recommending local businesses.

- Mr. Wixom indicated there was no current policy. Inquiries were directed to the Visitors Bureau or the website for resources.

Mr. Chambers asked where in the General Plan it was stated the Town should provide a Visitors Center. He indicated he could not find one.

If there was a shortfall between revenues and the operating budget, Mr. Chambers asked if the shortfall would come out of the General Fund.

- Mr. Wixom answered it likely would.

The packet indicated the Town received a number of letters in support of the project. Mr. Chambers asked if there had also been letters of opposition.

- Mr. Dansie confirmed letters of support and opposition had been received.

Suzanne Elger asked if use of parking at the Best Western was still being considered.

- The offer had not been rescinded; however, parking could be developed on the history center site.

Michelle Giardina, a member of the Historic Preservation Commission, asked if staff had analyzed the number of parking spaces required if the property was zoned Public Use.

- Four parking spaces appeared to fit within all standards for development in the Public Use Zone.

Questions to the applicant from the Council: Jeff Carlson was in attendance representing the Springdale Historic Preservation Commission (SHPC). He acknowledged the attendance of Lila Moss, Janet Hollis and Michelle Giardina from the SHPC. No Council questions were asked.

In his statements, Mr. Carlson referenced parallels from the Community Center development process to this request. He said the concept of a Community Center was supported, but that existing ordinances prohibited structures that large. It was suggested these ordinances be changed but many felt the Town should not modify standards to suit its needs. Looking at sentiment today however, many appreciated having the facility and the Community Center had become a highly valued asset. Mr. Carlson contended this would be the case with the history center.

Based on concerns expressed in the last Council meeting, modifications had been made making the proposal more compliant with land use standards. Mr. Carlson noted other alternative locations for a history center would likely require a development agreement with equal or greater conditions requested. Additionally, the SHPC did not recommend the Town enter into a lease agreement which could significantly increase the annual operating budget.

Mr. Carlson did not believe this proposal would add any measurable impact to village scale or atmosphere. Given the approximately 1200 existing rooms in Town, this proposal added 0.0066% increase in hotel rooms which should not make a perceptible impact. The proposal stood to create something of great intrinsic value. On behalf of the SHPC, Mr. Carlson respectfully asked the Council to support the General Plan and approve this proposal.

Questions from the public to the applicant - No questions were asked.

Motion made by Lisa Zumpft to go into public hearing for a development agreement of the Historic Preservation Commission between the Town of Springdale and the owners of the Best Western Hotel located at 668 Zion Park Boulevard. The agreement would transfer ownership of a historic building and the property on which it sits to the Town and would allow the construction of eight additional transient lodging units on the Best Western property; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Public comments: Tyler Young expressed the general idea of a history center was wonderful. In discussions with other community member and Planning Commissioners, there was concern about where money would come from to bring the structure into operational use. He was interested in hearing how the funding would be addressed.

Dan Mabbutt provided written comments and read them into the record (Attachment 1).

Jack Fotheringham owned the property next door and indicated there was a huge problem with people parking in their driveway. He already had to put up with noise from the hotel and was frustrated eight more units might be built. Mr. Fotheringham said he built his building twelve inches (12") too high and was made to change it because it went against the ordinance; but if there was something to trade eight more units of density would be allowed. It would cost the Town a lot of money to rehabilitate the building.

Mike Marriott generally supported a history center and museum; however, the process was frustrating to him. Mr. Marriott and his business ownership group met with Mr. Carlson and expressed interest in participating. No follow up was done making Mr. Marriott question the thoroughness of the vetting process. If the current location was indeed the only location, then Mr. Marriott expressed support for the development agreement. He hoped the Town would seek out the very best location.

Michelle Giardina commented museums provided information and stories about how and why a location existed. Buildings and people could not be preserved forever, but their histories, pictures and artifacts could. Museums were only as good as the people who created and supported them. Ms. Giardina said there was so much history in Springdale, if it wasn't preserved it would be forgotten.

Kevin Bowers, property manager for the Zion Prospector, applauded the proposal but raised concerns about bleed-over parking onto their property next door.

Sam Patel agreed with Mr. Marriott's comments and felt there were alternative locations. Specifically, Mr. Patel referenced Majestic View Lodge parcel S-114-NP. He said the location was ideal and issues with setback and parking could be alleviated. Mr. Patel said a building could be built through some kind of development agreement.

Joe Pitti did not feel discussion with other properties had been fully explored. There were other ways to bring history to the public in interesting and creative ways such as creating informational panels at the shuttle stops. He felt it was short-sighted to be hyper-focused on this project.

Motion made by Lisa Zumpft to close public hearing: seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Council deliberation: Mr. Aton said the Council needed to assess the core issue and ascertain if getting the historic structure and property was more beneficial than increasing density at the Best Western and increasing transient lodging units in Town. Having lived in Springdale for forty years, he remembered the initial idea of making boutique hotels the norm. The old Canyon Ranch was held out as a good example of what people wanted. As a consequence to the Park allowing a lot more visitation, the Town had grown to accommodate the people.

The Town received a lot of comments about this issue. Mr. Aton specifically referenced the letter submitted by a former Mayor and Council members (Attachment 2) and noted many of their points concerning increased density, lot size, and parking had been addressed. Although the landscape requirement was tight and another noncompliant set back would be created, these were not huge issues to him in terms of following the ordinance.

This letter also held up the Stewart Ferber Development Agreement as a good example; however, Mr. Aton indicated that agreement only moved hotel units to other Ferber properties creating densities out-of-

compliance with the current ordinance. The Town did not receive land or property in exchange, but was only able to avoid development of a forty-room hotel on the highly visible Ralston property above the Shell station and Under the Eaves Bed & Breakfast. Looking at the SHPC development agreement, the eight units contemplated would add ½ of 1% in terms of the total build out number for Springdale.

Mr. Aton said comments about the Best Western's ability to generate revenue from the additional units did not resonate with him. Springdale would receive tax revenue from the new units and get a historic property on SR-9 to use for Town purposes. In his mind, the incentive was proportionate and balanced. If the Town felt having a museum in a historic building fulfilled the ordinances and General Plan, Mr. Aton expressed his belief this was the best proposal.

Mr. Player commended Mr. Aton's analysis. He was in favor of the Town acquiring a piece of property in the Central Commercial Zone but did not want to limit use to only a museum. Mr. Player recalled the public uproar when Canyon Ranch was being sold. This opportunity to save a part of it meant something. He expressed support for entering into a good binding agreement.

Mr. Alltucker had concerns about financing. The proposed package was conceptual and could burden the Town with additional expenses. He had environmental and encroachment concerns too but these could be addressed with a condition in the agreement. Mr. Alltucker agreed use should not be limited to a museum as it was possible a better option could present itself in the future.

Mayor Smith remarked the Council had total control over the use of the building and how much money was spent on it. He acknowledged the General Plan supported historic preservation and less transient lodging so the Council needed to determine which had greater impact. The development agreement could be structured with conditions that would mandate specific requirements such as where the additional units on the property would be located. Mayor Smith noted TRT money kept local property taxes unchanged while services increased. He said people would still visit Zion National Park, hotel development would continue in surrounding communities, and Springdale needed to benefit more from these visitors than collecting parking money. To him saving the building and acquiring this piece of land was a higher priority than adding eight more rooms.

Ms. Zumpft indicated her notes mirrored many of the comments already shared by other Council members. She addressed concerns about funding and knew there were numerous grants and possible county money available. Museums were important and Ms. Zumpft felt this museum would help locals remember what they had. She specifically referenced code section 10-1-2A. There had been a lot of public comment. Those opposed had valid reasons however none offered an alternative. Other options could be considered in the future, but Ms. Zumpft did not feel this opportunity should be passed up.

Council members wanted to ensure what was proposed and approved was carried through in the Design/Development Review process. They agreed language should be specific in both the motion and development agreement.

Ms. Zumpft was prepared to make a motion but said that her decision on this item was not made before the discussion tonight. Before the motion was seconded, she asked Council members to make changes or add conditions as necessary.

- Town Attorney Devin Snow recommended final approval be subject to Town Council and Legal Counsel review of the Development Agreement.

Ms. Zumpft read her motion.

Council discussion on the motion: Mr. Alltucker suggested adding the words 'or other public use' in the preamble associated with the utilization of the historic structure as a museum or history center. Before any deed transfer, the development agreement be must drafted by the Town Attorney and approved by the Town Council. The Council should retain discretion that if review of the agreement was not acceptable, approval could be revoked. Added conditions that an environmental audit by a licensed contractor was required, a survey of the property should be conducted early in the process to identify any potential lot line issues, and the final subdivision plat be approved by the Town Attorney.

Mr. Player raised concern that prohibiting the sale of the property may bind future Councils in the future when more flexibility was needed.

- Unless insisted by the developer, Mr. Snow did not see the need to include this requirement.
- Mr. Dansie noted eight more hotel units were being granted on the premise the Town would receive a public benefit. If divested, the units would remain and the justification diminished.
- Mr. Aton felt strongly the property should remain with the Town of Springdale. If a future Council wanted to unravel the arrangement, they could determine a process.
- Mr. Snow said there was no legal reason to bind future Councils with this stipulation in the motion.
- Given the tenor of the comments received, Mr. Aton said leaving language the property could not be sold sent a strong message.
- The Council decided to leave the motion language as proposed related to the sale of the property.

Ms. Carlson summarized the requested edits and conditions, all of which were accepted by Ms. Zumpft. The final motion read as follows:

Through the process of a public hearing, Lisa Zumpft made the motion to approve the Springdale Historic Preservation Commission request for a development agreement between the Town of Springdale and the owners of the Best Western Hotel located at 668 Zion Park Boulevard. The agreement would transfer ownership of a historic building and the property on which it sits to the Town and would allow the construction of eight (8) additional transient lodging units on the Best Western property.

The Council finds that preserving the historic yellow building on the Best Western property is a historic asset to the community, that using that structure as a history museum, or other public use, would create a public facility and amenity, and that the historic structure would be a physical improvement that would help achieve objectives 6.1.2 and 6.1.3 of the General Plan, as well as sections 10-1-2(A) and 10-26-2 of the Town Code.

The Council finds that receiving the historic structure and property as a dedication from the property owner justifies granting a density bonus of eight (8) additional hotel rooms on the Best Western property (a 12% increase), as allowed by section 10-1-13(B). The Council further finds that eight (8) additional hotel rooms is roughly proportional in impact to the benefit to the Town of owning and operating a history center, or other public use, in the center of Town.

The Council directs Legal Counsel to draft the language for a development agreement, which will include the following items:

The owners of the Best Western property will transfer title of the property where the historic yellow home sits to the Town of Springdale. Before any deed transfer, the development agreement must be drafted by the Town Attorney and approved by the Town Council. The Council retains discretion that if review of the agreement is not acceptable, approval can be revoked.

The Town Council authorizes a 12% increase in hotel unit density on the Best Western property, allowing a total of 76 hotel units on the property.

The Town will prepare a request to change the zone on the historic structure parcel from Central Commercial to Public Use. This process will include all required public hearings.

If the historic structure parcel is rezoned to the Public Use zone, the Town will prepare a subdivision plat application to create the new parcel containing the historic structure. The newly created parcel must meet all standards for the Public Use zone, with the exception of the setback from the newly created lot line to the historic structure. The Town Council authorizes a reduction in setback requirements from the newly created lot line that will cut between the historic structure building and the existing employee housing building on the Best Western property, to allow the historic structure and employee housing building to remain in their current locations.

The owners of the Best Western property will submit an application for a Design/Development Review for the construction of eight (8) additional hotel units on the property. With the exceptions of the 12% increase in hotel unit density, and the reduction in the setback for the existing employee housing building from the newly created lot line, the DDR must be in compliance with all land use standards. The buildings will be located per building D drawing C2.1 of the site plan submitted.

The Town will prepare an application for Design/Development Review to convert the historic structure to a history center/visitor's center use. The DDR must meet all applicable land use standards, with the exception of the setback from the newly created lot line to the historic structure and landscape area requirements. The Town Council authorizes a reduction in landscape area standards, if necessary, to develop the minimum amount of required parking on the historic structure parcel.

Title to the Historic structure parcel will not be transferred to the Town until all of the above processes have been completed.

The Town agrees to retain the historic structure parcel and not to sell it in the future.

The Town Council notes that both the historic structure and the employee housing building are currently non-compliant with the required side setback. Nothing in this agreement is intended to alter the current legal non-complying structure status of these two buildings.

With conditions: 1) An environmental audit conducted by a licensed contractor is required; 2) A survey of the property be conducted early in the process to identify any potential lot line issues; 3) The final subdivision plat be approved by the Town Attorney: seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

The Council took a brief break. The meeting resumed at 7:00pm.

2. Public Hearing – Utah Permanent Community Impact Fund Board (CIB) Funding Application Hearing. The Town proposes to apply for funding from the CIB for a Secondary Water (Irrigation) Master Plan and a Storm Water Master Plan. Funding will offset the costs of developing these two master plans: Mr. Wixom explained each year the Town could request funding from the Community Impact Fund Board for planning documents. This year, updates to the Secondary Water Master Plan and Storm Water Master Plan were identified as priorities.

- The process for approval had changed slightly allowing CIB staff to approve applications. Sunrise Engineering estimated the cost for these master plans at \$93,000. If awarded, CIB would provide 50% of the funding with the Town matching the other half.
- The application process required a public hearing to provide an opportunity for the public to comment. It was discussed that while applying for a grant, CIB may not fund as a grant but as a loan.

Questions from Council to staff – None were asked.

Questions from the public to staff – None were asked.

Motion made by Lisa Zumpft to go into public hearing for Utah Permanent Community Impact Fund Board (CIB) Funding Application Hearing. The Town proposes to apply for funding from the CIB for a Secondary Water (Irrigation) Master Plan and a Storm Water Master Plan. Funding will offset the costs of developing these two master plans; seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye
Alltucker: Aye
Motion passed unanimously.

Public comments: No comments were made.

Motion made by Lisa Zumpft to close public hearing; seconded by Randy Aton.
Aton: Aye
Zumpft: Aye
Smith: Aye
Player: Aye
Alltucker: Aye
Motion passed unanimously.

Council deliberation – Ms. Zumpft asked who intended to use these plans.

- Mr. Wixom answered both Council and staff.
- Ms. Zumpft questioned if UDOT referenced the Storm Water Master Plan when working on the SR-9 Reconstruction Project. Mr. Alltucker indicated UDOT did accommodate a number of identified issues in the design of the road.

Since both the Secondary Water Master Plan and the Storm Water Master Plan were updates to the 2009 versions of these plans, Ms. Zumpft suggested staff compile a list of what had been accomplished from then to now.

Mr. Wixom explained most master plans had a technical horizon. When changes in conditions, or infrastructure, or development impacted the master plans, they were updated.

No action was required.

3. Public Hearing – Conditional Use Permit: Luke Wilson requests a conditional use permit for a transient lodging facility (one-unit short term rental) at 358 Zion Park Boulevard, located in the Village Commercial zone: Mr. Dansie indicated this was a request to use the upper floor of a yet-to-be constructed commercial building as a short-term rental. Plans for the lower floor included a drink shack.

The Planning Commission reviewed the application and found the request met all required standards. They recommended approval with the condition that at least six parking spaces be designated for customers and employees.

Questions from Council to staff – Mr. Alltucker questioned the Parking Structure Overlay Zone on this parcel.

- Although the Council approved this zone change, it had not become official because the development agreement had not been executed. Therefore, as of right now, the property was in the Village Commercial Zone.

Mr. Alltucker noted the plans showed public restrooms.

- Mr. Dansie said this was not a requirement for the CUP but the property owner identified it as a need.

Mr. Alltucker asked about encroachment into the toe of the slope.

- Mr. Dansie indicated there would not be any additional disturbance on the slope beyond the existing stacked rock wall. The second story of the building cantilevered over the slope but did not disturb it.

Mr. Alltucker asked how the Planning Commission addressed concerns about unreasonable risk, harm, or injury from natural hazards.

- The Planning Commission extensively analyzed this issue. Mr. Dansie indicated there was quite a bit of information in the record concerning their analysis of geologic hazards and natural risks

on this property and adjacent properties, however nothing rose to the level of finding an unreasonable risk.

Questions from the public to staff – None were asked.

Luke Wilson was in attendance to answer questions. He said based on the analysis from Landmark Engineers, there was no blue clay, water was not retained or threatening. The back wall was designed as a concrete mass that would help protect the building. Mr. Wilson said they were very cognoscente of the hazards when the building was designed. He confirmed they would not be digging into the toe of the slope.

No additional questions were asked.

Motion made by Lisa Zumpft to go into public hearing for a Conditional Use Permit for Luke Wilson for a transient lodging facility (one-unit short term rental) at 358 Zion Park Boulevard, located in the Village Commercial zone; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Public comments: Tyler Young supported the request. He said it was a well-put together project and the epitome of how to design a structure near a slope. Mr. Young commented that Mr. Wilson was good about being transparent.

Motion made by Lisa Zumpft to close public hearing; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Council deliberation – Mr. Aton felt this issue had been thoroughly vetted by the Planning Commission. He did not have any issues with the project.

Mayor Smith commended Luke Wilson for being straightforward and a problem solver. He had high confidence Mr. Wilson would do a good project.

Motion made by Mike Alltucker approve the Conditional Use Permit for a transient lodging facility at 358 Zion Park Boulevard, based on the following findings and including the following conditions to the approval: 1) Under the general standards, the Council finds the application complies with the six standards contained in section 10-3A-4 of the Town Code. We find under that section however that a screening fence along the common boundary with the residential zone will not be required due to the steep slopes and the minimal chance of adjacent residential development;

2) Under the specific standards we find that all entrances and accesses to the property are located or oriented in such a way that they will not have noticeable impact on surrounding properties;

3) The plans do not contain any outdoor gathering areas;

4) Lighting fixtures shown on the DDR are designed so that no light source is visible beyond the property boundaries.

As conditions to this approval: 1) The lodging facility shall avoid making loud noises between the hours of 11:00pm and 7:00am;

2) At least six (6) existing parking spaces shall be converted from paid parking spaces to customer/employee spaces to support transient lodging and the other commercial use in the proposed building, and be signed as such;

3) The applicant be required to provide a public restroom with this proposal;

seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

4. Proclamation 2019-01, Proclaiming April 26, 2019 as Arbor Day in Springdale: There was no additional Council discussion.

Motion made by Lisa Zumpft to approve Proclamation 2019-01 and declare April 26th as Arbor Day in Springdale and direct the Mayor to sign; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

5. Resolution 2019-05 Supporting a small-scale water efficiency project grant application under the U.S. Bureau of Reclamation WaterSMART Grant Program: Ms. Zumpft and Mr. Wixom had been working through this process to secure a grant. The application required a resolution to indicate the Council was notified and supportive of the grant application effort.

Ms. Zumpft commended Mr. Wixom for responding. This grant appeared to be something that could help fund secondary water meters for Town-owned properties.

Motion made by Lisa Zumpft to approve Resolution 2019-05, and direct the Mayor to sign; seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

6. Consideration of a renewal of the Mutual Aid Agreement between the Town of Springdale and Zion National Park National Park Service: Chief Brecke was in attendance to answer questions. He indicated this document was similar to the previous Memorandum of Understanding and allowed Springdale Police to call on the Park Service for back-up. The Park was in county jurisdiction; therefore, Sheriff officers may also assist.

Motion made by Lisa Zumpft to approve the consideration of renewal of the Mutual Aid Agreement between the Town of Springdale and Zion National Park and direct the Mayor to sign; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

B. Action Items – Legislative

1. Continued from March 13, 2019, - Zone Change Request – Majestic View Lodge, represented by Sam Patel, requests a zone change from Valley Residential (VR) to Village Commercial (VC) on parcel S-144-NP, 2.5 acres located immediately south of the Majestic View Lodge: Mayor Smith reminded the Council this was the only proposal before them and the one they would be acting upon.

The Council had no additional questions to staff.

Ms. Zumpft said her understanding and feelings to deny this request had not changed.

- Although there had been a lot of side-tracked discussions from the applicant in previous meetings, Mr. Alltucker was clear the Council was acting on the initial zone change request originally submitted in January. As far as he was aware, there had not been any ex-parte communication with the applicant. All Council members agreed.

Motion made by Mike Alltucker to deny the application for a zone change from Valley Residential to Village Commercial on parcel S-144-NP. This motion is based on the following findings in addition to the Planning Commission findings and also the Town has provided requisite notices and hearings for the applicant with timely and adequate notices and opportunities to be heard.

The subject property is located in the Valley Residential Zone.

Under Town Code 10-3-2(A), the Town has a policy of amending the zoning map only if the amendment would promote more fully the objectives and purposes of the land use title and the General Plan, or to correct manifest errors, or to accommodate substantial changes in conditions.

None of these requirements for a zone change as stated in Town Code 10-3-2(A) are satisfied.

The requested zone change would not promote General Plan Objective 3.2.1, which states that we should, “to the greatest extent possible, avoid rezoning properties from residential to commercial”, and we find no compelling reason to disregard this General Plan objective.

The amendment is not clearly consistent with the Future Land Use Map, and therefore, the denial would promote General Plan Strategies 3.2.1.a and 13.1.1.a, which encourage the Town to approve zone change requests only if they conform to the Future Land Use Map.

The Future Land Use Map does not support the proposed commercial use on the property. The Future Land Use Map envisions a welcome center in the area, but we believe that any welcome center should be more of a kiosk-type informational structure, and not an appendage to a commercial enterprise.

The entrance to the Town should reflect open space and residential uses to reinforce the Town’s character as a rural residential village. The proposed amendment would bring more commercial development to the entrance of the Town.

Based on the concept drawings submitted by the applicant, the development will have an adverse impact on traffic and would negatively impact surrounding properties.

The Planning Commission reviewed the zone change request and unanimously recommended the denial of the zone change request.

The subject property is not suitable for a mixed-use lodging/retail/residential development and a welcome center.

The applicant has proposed modifying the proposal with other development entitlements on the property which are not part of the current zone change application. These modifications are out of the context of the current application for review; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye
Player: Aye
Alltucker: Aye
Motion passed unanimously.

Consent Agenda

Invoices:

Invoice Date	Invoice No.	Vendor	Amount	Budgeted	Description
3/1/2019	189134	Imaging Concepts	\$ 943.25	Yes	Canon 5035 Copier Contract (Downstairs)
2/22/2019	S102955854.001	Mountainland Supply	\$ 8,574.78	Yes	8" Pressure Sustaining Valve for New WTP
2/25/2019	IV108576	Parkeon Services	\$ 2,160.00	Yes	Monthly Kiosk Operation
3/1/2019	3/1/2019	Weiland, Zac	\$ 800.00	Yes	March 2019 Prosecution Retainer
3/7/2019	CR16659	Century Equipment	\$ 990.00	Yes	Case Backhoe Lease
2/27/2019	1007	Genesis Construction	\$ 1,280.00	Yes	Water Leak Sidewalk Repair
2/27/2019	1006	Genesis Construction	\$ 1,128.75	Yes	Water Leak Sidewalk Repair
2/28/2019	0233-000629452	Republic Services	\$ 555.06	Yes	Dumpster Services
2/28/2019	98888	Snow Jensen & Reece	\$ 11,839.55	Yes	General Representation
2/28/2019	98889	Snow Jensen & Reece	\$ 20.00	Yes	Town of Springdale v. Staker
2/28/2019	98890	Snow Jensen & Reece	\$ 1,039.50	Yes	Town of Springdale v. Canyon Springs Estates Owners Association
2/28/2019	72437	Washington County Solid Waste	\$ 3,750.64	Yes	Garbage Billing (pass-through)
3/11/2019	3/11/2019	Rowdy's LLC	\$ 3,400.00	Yes	Police Firearm Supplies
1/17/2019	887	Grey Ham Enterprises Inc	\$ 1,073.64	Yes	Ballistic Duty Vest-Level 3A- Dennis
1/17/2019	886	Grey Ham Enterprises Inc	\$ 1,073.64	Yes	Ballistic Duty Vest-Level 3A-Matt
3/1/2019	8000-9090-0957-9686 03/01/19	Purchase Power	\$ 520.99	Yes	Postage
2/28/2019	3096	City of St. George	\$ 2,812.17	Yes	Qrtly Dispatch Fees
2/12/2019	17664	Gibsons Houzz of Floors	\$ 4,027.60	Yes	New Carpet for CCC Auditorium
2/28/2019	13259758	Kimley-Horn and Associates Inc	\$ 7,680.80	Yes	Signage/Wayfinding Plan Progress Payment
3/8/2019	03/08/19 Consolidated	Rocky Mountain Power	\$ 5,600.68	Yes	Electric Services
3/1/2019	5046574	Thatcher Company	\$ 2,332.40	Yes	Alum for WTP
3/20/2019	1610510	Electronic Data Collection	\$ 35,975.00	Yes	Annual AIMS License Fee
3/17/2019	198264	Master Meter	\$ 1,500.00	Yes	Annual Software Support
3/16/2019	9826337117	Verizon	\$ 1,935.88	Yes	Monthly Cell Service
3/28/2019	3/28/2019	Passek, Janet	\$ 1,000.00	Yes	Community Quilt Expense Reimbursement
4/1/2019	4/1/2019	Weiland, Zac	\$ 800.00	Yes	April 2019 Prosecution Retainer
3/6/2019	55915	Alliance Fire and Safety	\$ 2,578.00	Yes	CCC Backflow Repair/Sprinkler Antifreeze
4/4/2019	M28427	The Steel Yard	\$ 8,433.10	Yes	Trench Plates
4/3/2019	CR16673	Century Equipment	\$ 990.00	Yes	Case Backhoe Lease
4/9/2019	4/9/2019	F&M Steel Service	\$ 2,840.00	Yes	Bike Rack Steel Fabrication
4/10/2019	1009	Genesis Construction	\$ 13,169.00	Yes	Water Leak Sidewalk Repair
3/31/2019	207472	Landmark Testing & Engineering	\$ 640.00	Yes	Geo Testing-Redhawk/Zion Shadows Project
3/20/2019	IV109017	Parkeon Services	\$ 2,160.00	Yes	Monthly Kiosk Operation
4/1/2019	8000-9090-0957-9686 04/01/19	Purchase Power	\$ 520.99	Yes	Postage
3/31/2019	0233-000630749	Republic Services	\$ 672.80	Yes	Dumpster Services
3/29/2019	03/29/19 WTP	Rocky Mountain Power	\$ 690.99	Yes	WTP Electric Services
2/15/2019	3635	Rural Water Assoc. of UT	\$ 525.00	Yes	Annual Dues 2019
2/15/2019	1778	Rural Water Assoc. of UT	\$ 510.00	Yes	Annual Dues 2018
3/15/2019	101925	Sunrise Engineering	\$ 944.00	Yes	Engineering Plan Review
3/18/2019	101929	Sunrise Engineering	\$ 5,958.25	Yes	Engineering Work-Redhawk/Zion Shadows Project
4/4/2019	1268	The Tree Guy	\$ 2,925.00	Yes	Elementary School Tree Removal
3/31/2019	72459	Washington County Solid Waste	\$ 3,750.64	Yes	Garbage Billing (pass-through)
			\$150,122.10		

Motion made by Mike Alltucker to approve the consent agenda; seconded by Adrian Player.

Aton: Aye
Zumpft: Aye
Smith: Aye
Player: Aye
Alltucker: Aye.
Motion passed unanimously.

Administrative Non-Action Items

Council Department Reports and General Discussion: Mr. Alltucker indicated the Streets Department planted new trees at the Elementary School, helped with monthly meter reads, swept SR-9 and roads and parking areas, sprayed weeds, replaced posts and restrung anchor chain on the multi-use trail, refreshed signs, and painted red curbs. The George Barker Park parking lot was repaved and drainage redone.

Mr. Wixom reported on the water treatment plant. He said yellowing in the water had disappeared, however they were still dealing with chemical and clear-well pump issues, and bubbling in the line. Mr. Wixom initiated a stern conversation with Sunrise Engineering expressing frustration and the need to get the water treatment plant operational. VanCon had a final punch list which would be addressed once the other issues had been resolved.

Mr. Player announced he and his wife were nearly finished building twenty bicycle racks for the Town.

Mr. Aton said the first Hurricane Valley Fire District Board meeting had been canceled. He provided the EMS call report for March (Attachment #3).

Ms. Zumpft reminded the Council they should read the General Plan each year; specifically, Chapter 14 which focused on implementation and addressed priorities. This information should be referenced during the fiscal year budget process. Priorities could be reset as necessary.

Mr. Aton felt it was difficult to see crosswalks and asked if there was a way to make them more visible to drivers.

Motion made by Lisa Zumpft to go into closed session for the purposes of pending or reasonably imminent litigation; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Closed session commenced at 8:05pm.

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

ALSO PRESENT: Town Manager Rick Wixom, DCD Tom Dansie, Town attorney Devin Snow, Town Attorney Greg Hardman participated via teleconference, and Town Clerk Darci Carlson recording.

Closed session adjourned at 8:30pm. No action was required by the closed session.

Adjourn

Motion to adjourn at 8:31pm made by Lisa Zumpft; seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Darci Carlson, Town Clerk

APPROVAL: _____ DATE: _____

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or email springdale@infowest.com for more information.

Mr. Aton said the first Hurricane Valley Fire District Board meeting had been canceled. He provided the EMS call report for March (Attachment #3).

Ms. Zumpft reminded the Council they should read the General Plan each year; specifically, Chapter 14 which focused on implementation and addressed priorities. This information should be referenced during the fiscal year budget process. Priorities could be reset as necessary.

Mr. Aton felt it was difficult to see crosswalks and asked if there was a way to make them more visible to drivers.

Motion made by Lisa Zumpft to go into closed session for the purposes of pending or reasonably imminent litigation; seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Closed session commenced at 8:05pm.

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

ALSO PRESENT: Town Manager Rick Wixom, DCD Tom Dansie, Town attorney Devin Snow, Town Attorney Greg Hardman participated via teleconference, and Town Clerk Darci Carlson recording.

Closed session adjourned at 8:30pm. No action was required by the closed session.

Adjourn

Motion to adjourn at 8:31pm made by Lisa Zumpft; seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.



Darci Carlson

Darci Carlson, Town Clerk

APPROVAL: _____

[Signature]

DATE: _____

5/8/19

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or email springdale@infowest.com for more information.



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting Town Council Meeting Date 4/17/19

KEVIN BOWERS
Name (please print)

Lyle Young
Name (please print)

DAN AND ROXY MARBUTT
Name (please print)

Name (please print)

Lila Moss
Name (please print)

Name (please print)

Janet Hollis
Name (please print)

Name (please print)

Mark Chambers
Name (please print)

Name (please print)

Joe Pitt
Name (please print)

Name (please print)

Sam Patel
Name (please print)

Name (please print)

Vic Patel
Name (please print)

Name (please print)

Treacy Stone
Name (please print)

Name (please print)

Suzanne Clever
Name (please print)

Name (please print)

MIKE MARIOTT
Name (please print)

Name (please print)

LYNN V ANDERSON
Name (please print)



Dan Mabbutt

[REDACTED]
Springdale, UT 84767
[REDACTED]

17 April 2019

First, I urge the council to NOT approve the Development Agreement proposed by the owners of the Best Western Hotel. Do NOT approve the Agreement.

Years ago, I wrote a public article where I predicted that, if Springdale persisted in selling off what left of the rural beauty of our town, we would join the club of ruined towns like West Yellowstone and Gatlinburg, Tennessee. That prediction is coming true before our eyes.

The owners of Best Western say they want to help us preserve our history. What history? There is no history left in Springdale. It has all been bulldozed and replaced with hotels and stores selling refrigerator magnets. Developers have bludgeoned the life out of Springdale with money and lawsuits. What used to be Springdale is close to being totally gone.

If the owners of Best Western want Springdale to have another tourist attraction, which is what the proposed history museum would be, they should build it themselves within the existing ordinances and at their own expense, not at the expense of what little is left that is good in Springdale.

Trading away our town, slice at a time like this, will only end one way: When there is nothing left to trade. When the Springdale we loved is completely gone.

Again, do NOT approve the Agreement.

April 11, 2019

Dear Town Council,

We the undersigned have served as a Mayor and Town Council Members of Springdale. During our time in public office, we repeatedly heard from the citizenry that there was a disproportionate stock of “Nightly Rentals” to “Residents,” and to limit the density of lodging units to preserve our “Village Character.” While in office, we did all that we could to strengthen the General Plan and ordinances to ensure and protect the consequences of unintentional growth. Since our tenure, we still hear the plea from residents to slow the growth of hotels.

We support Historic Preservation and know the value and richness it brings. We applaud the Historic Preservation Commission for their commitment to find a location to house our notable documentation and photos. However, we believe the incentives to acquire the Best Western property are too excessive to accept and do not support the goals and objectives of the General Plan and Town ordinances.

The Town Council is charged with reviewing the Development Agreement based on the TOWN CODE 10-1-13 B

1. The incentives shall be roughly proportional in size, area, or impact to the facility, amenity, or improvement being given by the property owner. In no case shall the incentives increase building size or density standards by more than twenty percent (20%).
2. The incentives will not be contrary to the general plan or public interest.
3. The incentives should be tailored to allow more creative and efficient development of the property in a style that promotes the town's village character. (Ord. 2008-11, 12-10-2008)

In order for the Town to own and operate the building under consideration, it would require special exceptions to our ordinances in the following areas:

Resolve the issue with lot size standards

Allow a reduction in setback standards

Allow a reduction in the lot width requirement

Allow a waiver from parking requirements

Allow 8 nightly rentals over the legal limit

Separating this building from the Best Western property would result in a 5,000 square foot lot, and create a new non-conforming lot that requires many variances to accomplish the acquisition. The Town should hold itself to a higher standard and set an example for the community by complying with its own ordinances. It sends the wrong message if the Town does not follow the

Town Code and opens the door for others who will expect the same considerations on their properties. While we served, we found decisions like this did set a precedent for other developers, even as we were told they would not. Many developers and property owners are watching this issue closely to see if the town will negotiate for higher density of lodging units and commercial use and use it to their advantage.

The issues related to density and hotel growth have been on the minds of our community as an ongoing concern. The Planning Commission is currently discussing the ratio between nightly rentals and residents and whether there should be a moratorium placed on nightly rental units. Adding eight more units to the current stock of nightly rentals does not follow that logic or concern. Eight more units could easily equate to a half million dollars of gross annual revenue to the property owners. We believe the exchange is excessive to the waivers the Town will have to obtain to acquire a building that is non-conforming and in significant disrepair.

Past development agreements have not added additional lodging units to the town. The Ferber Development Agreement permitted 40 legally approved units to be dispersed on his other established lodging properties in exchange for the elimination of a prospective new hotel to be built on a high visual impact lot. In short, the Ferber Development Agreement didn't create higher density, it prevented a new hotel development.

We believe the Town of Springdale would have to ignore five of its ordinances and grant an increase in density of nightly rentals. We also believe that the incentives are disproportionate to the amenity proposal and urge the Town Council deny this proposal.

The Town Council must decide based on the Town Code 10-1-13 B 2: "The incentives will not be contrary to the general plan;" adding more nightly rentals than what is legally allowed on the Best Western property goes against the General Plan and makes it clear that this agreement must be denied.

Sincerely,

Pat Cluff; former Springdale Mayor

Louise Excell; former Springdale Town Council

Bill Weyher; former Springdale Town Council

Mark Chambers; former Springdale Town Council

Kathy LaFave; former Springdale Town Council

The General Plan density references are listed below:

General Plan

1.5. To preserve the character of the town, smaller scale “boutique hotels” should be encouraged. Smaller hotels, inns and bed and breakfasts will do a better job of promoting and preserving a small-town character and feel than larger lodging establishments.

- Investigate potential strategies to reduce the maximum number of lodging units allowed at a hotel property.
- Encourage hotel development that complements the small-town atmosphere and village scale.
- Examine building size limits for lodging establishments to ensure the scale and mass of lodging establishments are consistent with the Town’s village atmosphere.

Objective 3.1.1. Develop policies to ensure sustainable level of development is not exceeded and unique village atmosphere is preserved. The Town has completed a comprehensive “Build Out” study to determine how much future growth is possible. This study took into account the availability of land, water, sewer capacity, and economic projections. This study is nearly ten years old and should be updated. The study projected a total of 700 residential units and 1,600 lodging units being developed in town, given past development patterns, current zoning, and development constraints such as the availability of land. These projections predict more than double the number of residential units as currently exist, and approximately 60% more hotel rooms than currently exist. The development projected by the building out study will have a dramatic effect on the character and nature of the town. The Town should adopt policies to ensure this anticipated growth is orderly and retains the town’s unique village character. The development projected by the building out study will have a dramatic effect on the character and nature of the town. The Town should adopt policies to ensure this anticipated growth is orderly and retains the town’s unique village character.

3.1.1.b. Evaluate all requests of rezoning, planned development overlay projects, development agreements and other similar development proposals based on the need to maintain a sustainable level of development.

Objective 3.1.3. Develop policies that will help new lodging facilities promote Springdale’s unique village atmosphere. In keeping with its village atmosphere and unique character, Springdale encourages hotels, inns, bed and breakfasts and other lodging facilities that promote the Town’s “in the Park” feel, its small village scale, and its unique atmosphere. The Town seeks to provide attractive, memorable, and unique lodging that complements the visitor’s experience in Zion Canyon and Zion National Park. Typically, smaller lodging establishments are more successful in achieving these goals than larger ones. The Town encourages “boutique” hotels, small inns, bed and breakfasts, and other similar lodging establishments that help promote the village atmosphere and small town scale.

3.1.3.d. Revise the maximum number of hotel units allowed in a transient lodging facility. This could be accomplished through reducing the number of units allowed per acre, establishing a unit cap per property, or other similar strategy.

Priorities and Implementation 14.5. Lodging Establishments that are Compatible with Village Atmosphere and Scale Springdale's unique location, character, and position as a gateway to Zion National Park create an increasing demand for Tourist accommodations, specifically lodging establishments. The General Plan emphasizes the goal to preserve the Town's small town character and village scale. To preserve the character of the town, smaller scale "boutique hotels" should be encouraged. Smaller hotels, inns and bed and breakfasts will do a better job of promoting and preserving a small town character and feel than larger lodging establishments. • Review potential strategies to reduce the maximum number of lodging units allowed at a hotel property. • Encourage hotel development that complements the small town atmosphere and village scale.

Rockville/Springdale Calls

March 1-31, 2019

Springdale-(16)

Fire-3

EMS

Transport-5

Refusal-6

CPTA-1

Mutual Aid-1

Rockville-(7)

Fire-0

EMS

Transport-4

Refusal-1

CPTA-2

Zion-(3)

Fire-0

EMS

Transport-2

Refusal-0

CPTA-1

****Interesting Fact: in an 8 ½ hr period of times had 4 transports & 1 refusal this month from these 3 areas**