



**MINUTES OF THE SPRINGDALE TOWN COUNCIL
WEDNESDAY, AUGUST 10, 2022
AT THE CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH**

The Special Meeting convened at 4:03 pm.

MEMBERS PRESENT: Mayor Barbara Bruno, Council members Randy Aton, Lisa Zumpft, Suzanne Elger, and Jack Burns.

ALSO PRESENT: Town Manager Rick Wixom

Motion made by Lisa Zumpft to approve the Special Meeting agenda for August 10, 2022.

Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

A. Closed Session

Motion made by Lisa Zumpft to enter into Closed Session for a strategy session to discuss the purchase, exchange, or lease of real property. Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

Closed Session commenced at 4:05 pm.

MEMBERS PRESENT: Mayor Barbara Bruno, Council members Randy Aton, Lisa Zumpft, Suzanne Elger, and Jack Burns.

ALSO PRESENT: Town Manager Rick Wixom

Closed Session adjourned at 4:40 pm.

B. Action Required by Closed Session

Motion made by Lisa Zumpft to direct staff to follow through with the conversation that was in the Closed Session. Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

The Regular Meeting convened at 5:00 pm.

MEMBERS PRESENT: Mayor Barbara Bruno, Council members Randy Aton, Lisa Zumpft, Suzanne Elger, and Jack Burns.

ALSO PRESENT: Town Manager Rick Wixom, Director of Community Development Tom Dansie, Police Chief Garen Brecke, Parks & Recreation Director Ryan Gubler, and Streets Superintendent Robert George.

Pledge of Allegiance led by Mayor Bruno.

Approval of the agenda

Motion made by Lisa Zumpft to approve the Regular Meeting agenda. Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

A. Announcements/Information/Community Questions

1. General announcements: No announcements were made.

2. Zion National Park update: Superintendent Bradybaugh reported:

- Year-to-date visitation totaled 2.9 million people which was 6.3% below the same period in 2021 and 10% above the same time period in 2019.
- Covid was still impacting staff for the Park, Zion Forever, and the shuttle contractor. Eight (8) employees were currently in Covid isolation.
- The Human History Museum opened on August 8th with hours from 11:00 am to 6:00 pm. Staffing constraints still limited hours for the Park, Zion Forever, and the shuttle contractor. Currently, the shuttle was operating through the Museum stop for down-canyon travel only. Service ran from 12:45 pm to 6:15 pm but the Park hoped to accommodate longer hours in the near future.

3. Council department reports questions and comments: There were no questions or comments.

4. Community questions and comments: None were asked.

B. Consent Agenda

The Consent Agenda items included:

1. Review of monthly invoices
2. Minutes: June 22nd, July 13th
3. Approval of the contract with Interstate Rock for the LaFave to Montclair sidewalk project
4. Resolution 2022-14, a Resolution amending the Town of Springdale fee schedule for erosion hazard permits, minor land disturbance permits, and lot line adjustments
5. Ratification of Kyla Topham as Chair and Tom Kenaston as Vice Chair for the 2022 Planning Commission
6. Appointment of Pat Campbell as Planning Commissioner for a term expiring January 2025
7. Local Consent for Zion Canyon Brew Pub to support the Rotary Club/Z-Arts Auction for Education

Motion made by Jack Burns to approve the Consent Agenda and direct the Mayor to sign B3 and B4. Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

C. Administrative Action Items

1. Continued from June 22nd – Discussion and direction to staff on Enterprise Funds and a possible amendment to Town Code Sections 8-1-4, 8-2-5, and 8-4-5 modifying user rates for Culinary Water Service, Secondary Water Service, and Sewer Service: In 2021, the state code changed allowing municipalities to adopt utility rates by ordinance. If approved by the Council, Springdale's proposed ordinance would go into effect in January of 2023. Essentially language from the current fee and rate schedules was moved into the ordinance.

- Mr. Wixom explained the water rate would not significantly change other than the usual annual increase; the sewer rates would adjust to match the culinary water usage tiers; the irrigation/secondary water rates would be usage-based.
- Meters were installed on all Town-owned properties and Town of Springdale irrigation customers. The proposed ordinance language suggested secondary water users would be charged according to a tiered rate structure based on usage.

The Council discussed the financial sustainability of the irrigation fund. Many years ago, the irrigation fund was separated from the culinary water fund in order to classify expenses accurately. These expenses included operation maintenance, personnel and salaries, debt service, and savings for future infrastructure needs. The General Fund subsidized the irrigation fund by about \$100,000 each year. With any utility, revenue was generated by user fees but only 85 customers in the irrigation fund created economic issues.

The two percent (2%) change in both the culinary base rate and usage rate would generate approximately \$20,000 more annual revenue. In general, this rate matched the yearly CPI. For the sake of fairness, residential rates and commercial usage rates were the same.

When needed, money was appropriated out of the fund balance to pay for expenses such as sewer pond dredging.

Since costs increased every year, the culinary water fund rates were structured to account for this increase. However, depreciation of assets was not budgeted. Through bonding agreements, Mr. Wixom said the state required the Town to set aside 5% of expenses which was transferred into a renewal and replacement fund. As assets needed to be replaced, these funds are utilized.

The Council considered the impact of the debt service from the future Public Works Maintenance Building and the Recreation Building. At this time, it was not known how much revenue would be needed for these projects or where the revenue source would come from given both facilities were in the preliminary design stage.

Water conservation and the implications of the drought were important topics to the community. There was a balance between raising rates to encourage conservation yet generating enough revenue to pay for the production and distribution of that water.

- To provide consistency in planning and to keep community members apprised of rate increases, the ordinance provided incremental changes over multiple years. If adjustments were needed, the Council could respond accordingly.

The Council discussed raising the rate by 3% annually. This increase would likely not have a huge effect on any individual account but would help the Town cover expenses over the next five years. Mr. Wixom

agreed to update the chart in the staff report to illustrate how a 3% yearly increase would affect customers.

The Council received a public comment letter that requested secondary water rate increases be postponed beyond January 2023.

- Given the longstanding drought and the Town's ability to meter usage, Council members said it was important to charge accordingly for usage. The start date of January 2023 was viewed as appropriate.
- Large fields could do a better job managing the health of the plants and conserving water. Many of the pastures were Springdale Consolidated Irrigation Company customers which the Town had no control.
- All water users with a meter had access to the Eye On Water app to monitor culinary and irrigation water usage.

For secondary water, Council members preferred Option 3 in the staff report which implemented a usage rate with a reduced base rate. They asked Mr. Wixom to increase for culinary water to rate to 3% and to mirror sewer rates to the culinary tiers.

Mr. Wixom spoke with the Board of Water Quality staff. The estimated cost for the sewer filtration project was \$3.8 million which included a 30% contingency. He said the debt service for this project would need to be reworked and factored into the budget which could affect the tiers. The Council would discuss these updates again in their September regular meeting.

2. Public Budget Hearing – Resolution 2022-13 to open and amend the FY22/23 budget: This budget amendment accomplished several objectives including: the removal of the operational and construction costs for the History Center with the reimbursement of grant funds, the addition of funding for the Black's Canyon Wash rehabilitation, the addition of money from the Streets Capital Projects Fund for the LaFave to Montclair sidewalk project, changes related to vehicles and equipment and pond dredging.

Council questions to staff: No questions were asked.

Community questions to staff: None were asked.

Motion made by Suzanne Elger to open public hearing for Resolution 2022-13. Seconded by Lisa Zumpft.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

Public comment: No public comments were made.

Motion made by Jack Burns to close public hearing. Seconded by Suzanne Elger.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

Council deliberation: The Council agreed the budget amendment was straightforward. There was no additional deliberation.

Motion made by Lisa Zumpft to approve Resolution 2022-13 to open and amend the FY22/23 budget and direct the Mayor to sign. Seconded by Suzanne Elger.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

3. Request for extension of impact fee deferral and clarification of previous approvals for use of the Zion Canyon Mesa property located at 145 Lion Boulevard – Louise Excell and Logan Hebner:

Louise Excell and Logan Hebner were in attendance to present to the Council. Ms. Excell introduced herself as the Chair of the governing board for Zion Canyon Mesa. Logan Hebner was the Mesa's Director, Project Manager, and Board member.

Ms. Excell expressed the Mesa's appreciation to Springdale for its two decades of support and patience. The award of RAP Tax funds was crucial during the Covid pandemic. Citizens were also kind and supportive. Ms. Excell announced the Mesa had received funding from an anonymous donor to complete the Commons building, redesign residences, and finish minimal landscaping. The organization hoped to be operational in early 2023.

- Ms. Excell said the Zion Canyon Mesa mission had evolved to meet the times. They had broadened their vision to be more community centered with an education component along with their residency program.

The most urgent item for discussion was the request to extend the 2017 restrictive covenant set to expire in October. Ms. Excell explained they were also seeking formal acknowledgment of their status as an occupant in the Public Use zone. Based on minutes from previous Council meetings, Mesa's intended uses did not perfectly align with the permitted uses described in the ordinance. Since Town leadership changed over the years, Ms. Excell stated this was important to clarify for the record.

The Mesa was required to gate the road leading to the development. Both the Town of Springdale and Utah Tech had a prescriptive easement that allowed them to use the road. They were seeking an agreement to share costs for road maintenance and a remote gate opener.

Mayor Bruno noted that item 4 on the agenda related to a road maintenance and gate agreement. Item 3 and 4 had been essentially rolled into one discussion.

Mr. Dansie added the packet material contained a summary of the land use approvals already given to the Mesa by the Town of Springdale. In particular, Mr. Dansie called specific attention to the following prior approvals which he indicated were most relevant to the Council's discussion:

1. June 1997: The Board of Adjustment granted a "special exception" to the Mesa project to allow nine residential units to be constructed on the property.
2. November 2003: The Town Council interpreted the permitted uses in the Public Use zone to include the scope of the Mesa project (quasi-public cultural activities, nature exhibits, public schools, and educational facilities).
3. October 2017: The Town Council approved a culinary water impact fee deferral for the Mesa project. The deferral was valid for five years (expiring on October 10, 2022) unless the Mesa project was complete and all structures had been issued Certificates of Occupancy, in which case the deferral became permanent until the property was no longer used as an artist's retreat.

Ms. Excell said an additional approval included the Design/Development Review for the buildings currently on the property. Mr. Hebner added there was a minor issue with parking. The Mesa needed twenty (20) parking spaces however thirteen (13) had been approved.

Mr. Wixom clarified that prior to the Mesa receiving their Certificate of Occupancy, the Fire District required the road to be paved for access. Regarding other road agreements in Town, Mr. Wixom said there was one with Al Tiley to provide access via his driveway to a water tank. Since the paved road was not required by the Town but mandated by the Fire District, the Town agreed to contribute what they would have contributed had the road remained gravel. Mr. Wixom indicated that the amount was a few thousand dollars every couple of years. This was the current agreement with Mr. Tiley.

The gate was required through a 2009 and 2016 variance request. Given its proximity to a public road, the gate would help eliminate confusion about where cars should travel.

- Ms. Excell said the Moenave developers were given a piece of property and an easement for Winderland that created the issue. She mentioned the gate was located lower on the road to deter RVs from accessing and being unable to turn around.

Mayor Bruno asked if Mesa had approached Utah Tech about sharing the cost of a gate mechanism.

- Ms. Excell acknowledged their relationship with the University was strained at the moment. The cost of the mechanized unit was approximately \$1,200.00.

Mayor Bruno recalled the Council approved \$20,000 in RAP Tax funds for the Mesa which was double from the previous year.

- Ms. Excell indicated this money was intended for programming and operations.

It was reiterated that Mesa was seeking an extension to the impact fee deferral, a road maintenance and gate agreement, and clarification that the uses on the property were permitted in the Public Use zone.

- Ms. Zumpft agreed an agreement to solidify the allowable uses on the property was prudent. She did not favor contributing to the mechanized gate.
- Ms. Elger also supported an agreement to revisit and clarify uses.

Mr. Hebner suggested the Town consider an arts and cultural zoning designation for the property from the Mesa to the OC Tanner. He also would support using the Town's heavy equipment to move errant boulders off the road instead of an exchange of money for the road agreement.

The Council discussed the impact fee deferral request. The Mesa had shown progress in moving the project forward but also had to deal with a number of challenges. Given this, Council members supported an extension that would be drafted by the Town attorney.

Mr. Burns wanted the Mesa to provide information on what was currently proposed versus what had been agreed to in 2003 related to approved Public Use zone uses. A written record of this was important.

Staff would work with the Town Attorney to write up an agreement for consideration in the September meeting.

4. Consideration and possible action concerning a road maintenance and gate agreement between Zion Canyon Mesa and the Town of Springdale: Council discussion of this item had been included in the Item C3 agenda item.

5. Discussion and possible approval of disturbance in the Anasazi Plateau conservation easement for construction access to 3007 Navajo Way, Lot #38: Mr. Dansie reported the owners of lot #38 proposed constructing a small accessory building. All lots in Anasazi Plateau were surrounded by a conservation easement that prohibited disturbance with the exception of a driveway. Given the

configuration of the existing development, it would be difficult to construct the new structure using the driveway; therefore, the contractor and owners requested permission for temporary construction access through the conservation easement.

The Council previously heard a similar request from Lot #27 property owners. Their request was approved with a number of conditions.

Ms. Zumpft asked for the date of the aerial photograph in the staff report.

- Mr. Dansie replied it was taken in 2020 which illustrated approximately five years of conservation easement restoration work. During the construction of the home, the contractor went outside the allowable area. As a condition to receiving their Certificate of Occupancy, the owner was required to restore and revegetate the conservation easement area.

Contractor Mark Fahrenkamp was in attendance to answer Council questions. Ms. Zumpft suggested a route that would move the disturbance closer to the existing building rather than near the road.

- Mr. Fahrenkamp said following the route suggested by Ms. Zumpft would damage the conservation easement as much or more than the proposed access since 12' was needed for construction equipment. The route proposed was the shortest and best way to access the new building site.

Mayor Bruno disclosed she lived in Anasazi Plateau, as did two other Council members. She mentioned Julie McKown was able to restore the conservation area after the construction of her home and it was done well.

Mr. Burns said the job of the Council was to determine whether the proposed temporary construction access and restoration were in keeping with the purpose of the Anasazi Plateau conservation easement. For him, it did not. He commented the conservation easement largely characterized the Anasazi Plateau and the natural environment. He expressed it was unfortunate the Council opened the door to temporary access. The vegetation habitat was not easy to restore. Mr. Burns wanted the Council to recognize the importance of conservation easements so as to not dilute their intent.

If allowed, Mr. Aton said it would take many years before the area would come back. He did understand, however, the need for temporary access when someone wanted to build.

Ms. Elger surmised there would be more calls for additional construction on Anasazi Plateau lots.

- If this was the case, Mr. Burns said the easement language should be revisited.
- Mr. Aton agreed there should be established guidelines so the Council did not need to assess each request on a case-by-case basis.

As part of the conversation, the Council agreed the approved plant list should be reconsidered in the future.

Mayor Bruno did not favor loosening restrictions on the conservation easement.

Because of the HOA and conservation easement, Mr. Burns said property owners in Anasazi Plateau were aware of the limitations to living there. He did not believe the initial request for a disturbance on Lot #27 should have been approved.

- Mr. Aton recalled when the subdivision was proposed, the goal was to preserve as much open space as possible. To do this, building pads were designated and other areas were left intact. He agreed it was difficult to adequately revegetate.
- Ms. Zumpft said the limited access was a self-imposed hardship. The property owners could remove their retaining wall and access the construction area via the driveway.

- Ms. Elger was uncomfortable limiting property rights by only allowing an initial build. It was not equitable to prohibit further building because the configuration of the house and driveway were not favorable to additional construction.

Motion made by Suzanne Elger that the Town Council approves the disturbance in Anasazi Plateau conservation easement for Lot #38 with the following conditions:

1. **Construction access is limited to a twelve-foot (12') wide area as shown on the site map submitted by the contractor;**
2. **The contractor must install construction fencing on both sides of the access which must remain in place the entire time the temporary access is developed;**
3. **The property owner is responsible to restore, reclaim, and revegetate the temporary construction access at the conclusion of the construction activities;**
4. **Revegetation must be done with native vegetation and seed mix per the revegetation standards in Section 10-15B-8;**
5. **The Town will not issue a Certificate of Occupancy for the new construction until the temporary construction access is restored, reclaimed, and revegetated;**
6. **The property owner is responsible for the ongoing maintenance and revegetation in the construction access area. If the revegetation efforts are not successful or fail within the first five years from the date of the Certificate of Occupancy, the property owner is responsible to replace the failed vegetation with viable vegetation.**

Seconded by Randy Aton.

Aton: Aye

Zumpft: No

Bruno: Aye

Elger: Aye

Burns: No

Motion passed.

D. Administrative Non-Action Item

1. General Council Discussion: Mr. Burns raised concern over residential and commercial light trespass which was an ongoing issue. He asked for input from other Council members if the topic should be addressed again by the Planning Commission.

- Mayor Bruno recalled the Planning Commission had previously considered an indoor lighting ordinance that prompted members of the community to voice their discomfort. If considered again it would have to be about light trespass.
- Mr. Aton agreed it should be revisited.
- Given the momentum the Town had achieved with night skies and protection of Town character, Mr. Burns said light trespass had the potential to compromise these efforts.
- Ms. Elger added building design often included lots of glass to take advantage of views which caused light to trespass at night.
- Ms. Zumpft said light at night disturbed wildlife and neighbors and did not deter crime.

The Council agreed the Planning Commission should again consider this issue. Staff would provide direction to the Commission.

Adjourn

Motion to adjourn at 7:23 pm made by Lisa Zumpft. Seconded by Randy Aton.

Aton: Aye

Zumpft: Aye

Bruno: Aye

Elger: Aye

Burns: Aye

Motion passed unanimously.

Darci Carlson
Darci Carlson, Town Clerk

APPROVAL: Barbara Bruno DATE: 9-14-22

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





PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Town Council Date 8/10/22

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

PAUL ZIMMERMAN

Name (please print)

Sally Ryberg

Name (please print)

MARK HANSEN

Name (please print)

Louise Excell

Name (please print)

LOGAN HOBNER

Name (please print)

Riley Gifford

Name (please print)

Pat Campbell

Name (please print)

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