TOWN OF SPRINGDALE

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MINUTES OF THE SPRINGDALE TOWN COUNCIL WORK MEETING ON MONDAY, AUGUST 18, 2014 AT 3:30 PM AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH MEETING STARTED AT 3:30 PM

MEMBERS PRESENT: Mayor Stanley J. Smith, Councilmembers Adrian Player, Bill Weyher, Mike Alltucker, Mark Chambers
ALSO PRESENT: Gaylord Robb, Economic Development Director for the Paiute Tribe, Gari Lafferty, Paiute Tribal Chairman, Corrina Bow, Kanosh Band Chairperson, Gayle Rollo, Paiute Tribal Administrator, Town Manager Rick Wixom, DCD Tom Dansie, and Town Clerk Fay Cope recording.

Mayor Smith began by welcoming everyone and was optimistic they would accomplish something today. He stated that because the entire Town Council was present they needed to conduct this as an official public meeting hence they needed to follow procedures with the recording and formalities.

Approval of agenda: Motion made by Adrian Player to approve the agenda as posted; seconded by Mark Chambers.
Chambers: Aye
Smith: Aye
Player: Aye
Weyher: Aye
Alltucker: Aye
Motion passed unanimously.

Discussion/Announcements/Non-action items
None were made.

Administrative Non-Action Items

Work meeting with Paiute Tribal leaders: Mayor Smith stated they wanted to find a mutual benefit and make things happen for the Tribe. What he wanted to accomplish today was to identify their needs versus the Town's needs so they can start to work on making things happen. Of deep concern for the Town was the timeline they were under to get a request or something happening. He wanted all parties to help each other become partners and not adversaries.

To begin, the Mayor suggested the attendees introduce themselves. The Mayor and each Councilmember stated their name. The Town staff in attendance also announced their names and titles. The Paiute representatives introduced themselves and affiliation.

Mayor Smith addressed the public in attendance and said they were welcome to stay as observers. He would not, however, be taking public comments. Mayor Smith then suggested Mr. Robb begins by explaining what their goals were for the land.

Mr. Robb stated the property had been given to them and they wanted to find a way to use the property.

- They have never built casinos or hotels.
- They are searching for a way to keep the land tax free as reservation land always had been.

- The Tribe was terminated from federal recognition in 1956. Because of this they lost about 45,000 acres of reservation land originally set aside by presidential decree. They had to then start paying property taxes. About 25,000 acres of land had to be sold in order to pay the taxes.
- In 1980 they were restored back to federal recognition. Congress stipulated they should be able to choose up to 15,000 acres of reservation land, to replace what was lost, from available forest service, BLM, private and state lands. They have only received 4,700 acres out of the 15,000 promised.
- The 174 acres in Springdale happens to be in a highly commercial area and they would like to have this land pay for itself with some type of commercial operation. They do not want to pay property tax. Goal is to develop something on this property.
- There are seven acres down on flatter ground and the proposed development would be on this acreage. They have plans to develop walking trails and replicas of primitive housing campsites so people can see what life was like 200 years ago for the Paiute people.
- There is documented evidence that Paiutes lived in this area for over 13,000 years. Five miles down the road from Springdale is a Paiute cemetery with upwards of 100 grave sites. They are coming home and want to be welcomed.

Mayor Smith said no one is objecting to a visitor's center and the Paiutes are being welcomed here. It would be a great addition to the Town. Hopefully today everyone expresses their feelings openly without being worried about what we say. Speak frankly and trust each other. Developers would generally like to do more than we would like them to do. The Town works really hard to make Springdale the place that it is and we understand we have difficult rules. It is not easy to come into Springdale and build and that is for a purpose.

- Mayor Smith wants to protect Springdale. A fear we have, is if it turns into sovereign land we no longer have a say in what happens. He said the Paiutes are part of the Town but we have to work together and come to an agreement. The Town has doors it can open from a development and county travel bureau perspective. It can be beneficial if we work together.

The Mayor mentioned that one item the Paiutes had talked about was a possible land transfer. Currently they know of three pieces of land that are good possibilities.

- The Town does not have the luxury of doing anything as long as the request for sovereignty is there. Once it goes into sovereign land, the land transfer option would be out.
- The Mayor requested the Paiutes pull the request long enough for the group to sit down and discuss what options are available without having the deadline looming.

Mr. Robb told the Council that if the request was pulled, the Bureau of Indian Affairs will send it back and say denied or canceled. The Tribe has spent $60,000 for NEPA process.

The Mayor asked if there was a way to postpone. Mr. Robb said he did not think so. The NEPA process was finished. They had already spent the money and it would be an additional $60,000 if they had to reapply.

In talking with the Lieutenant Governor, the Mayor said all they would have to do is put it through again. There wouldn't be a cost.

Mr. Robb said they would be required to do NEPA again. Mr. Weyher asked for an explanation of what NEPA was. Mr. Robb said it was basically an environmental analysis. They had to hire an outside consultant to analyze the property. They look for cultural resources, endangered species and geologic hazards.

Mr. Weyher asked if the $60,000 included a survey of the property. Mr. Robb said it did not.

Mr. Weyher wanted to know if the request was postponed and resubmitted why the same NEPA report couldn't be used. Mr. Robb said with time delays things change. In a year there may be an endangered species that wasn't found now. It has to be redone every time there is an action.

The Mayor asked if they were set on going forward and there wasn't anything that could change that. Delaying gave the Town time to consider the land transfers or other options. The current timeframe only gave the Town two weeks to state their case.

Mr. Robb asked what the possible land transfers were and how promising they were.

Mr. Chambers wanted to take a step back and reiterate points made in the public meeting from ten days early. They heard that the Paiute people really want a presence in the Canyon that is sacred to them.

- They want the 3 million visitors to have access to their cultural history.
- They are looking for employment.
- The Town expressed its fears regarding huge development and how something big would ruin the night sky and take away from the visual impact. He asked how they can come together to find a solution.
- The seven acres said to be developable is away from SR-9 and the traffic. Goal is to find property that would be closer to the road and be more economically beneficial for the Paiutes and the Town.
- If current land goes into trust there is no way for the Town to transfer that land somewhere else.

Ms. Rollo spoke and indicated there was a way for the land to be transferred. In the late 1990's or early 2000 a piece of Paiute property interfered with the airport runaway in Richfield. They were able to get Congress to release it from trust and then trade it for another piece in town.

- Therefore if in a year Springdale comes back with a transfer it can be done. In order to request it there has to be a valid reason. It could be a win-win for everybody. The Tribe doesn't want to lose this opportunity to get this land into trust and waste any more time and money.
- Ms. Rollo stated she wasn't Paiute but she understood them. The Paiutes value the land and won't destroy their ancestral homeland with a garish development. That is not the type of people they are.
- Ms. Rollo said the Heritage Homestead Museum in Cedar City had tribal members build traditional Paiute housing which is similar to what they would put up on the hill. It is unobtrusive and blends in.

Mayor Smith said when the Town talks about their fear, they mean big development and something that would take away from the scenic views. The Town is looking for a promise, a contract, or an assurance this isn't what is going to happen.

Mr. Wixom said that much of what has been mentioned in various meetings is a lot of unknowns. When the application was submitted there was discussion about a cultural center and museum. But they also want to think about transient lodging, food service and shops. There is nothing that states exactly what they are doing and how they are doing it.

- Mr. Wixom continued and said everyone that comes to Town develops under a set of rules. There is a way for the public to participate. If land goes into a trust, what are the rules or *are* there any rules. What is the decision making process. The unknowns are driving most of the concerns.

Mr. Robb indicated they understand the Town would like to see a set of engineering plans that state what will be built and how. You are asking the Tribe to spend money on these plans which can't be used if the land isn't in trust. As the land is currently zoned, foothill residential, there is nothing commercial they can build.

Mayor Smith said that if the land goes sovereign, the Town has no say what goes up there.

Mr. Wixom continued that for the rest of the community there are rules and the public knows how they interact with the Council and Planning Commission. They follow a process. The public can comment on the development. This surrounding community doesn't know how to interact with Tribal Council. What are the rules and the decision making process. How do you put a proposal in front of the community for comment. This is the heart of the issue. How are these questions answered.

Mr. Robb understands the frustration but there are federal rules and regulations that must be followed. If they develop a museum and cultural center there would need to be another NEPA analysis because federal land and dollars would be involved. There would be a public meeting to involve the people of the Town. They would have a chance to voice their opinions. As with the Town Council, the Tribal Council makes the final decision on what is developed but they do take into consideration adjoining property owners. They do not want to come in and create enemies. That is not good for business or living conditions.

Mayor Smith agreed and said it is not good for anybody. He said they need to work out these fears, get something solid, and build a foundation. Water issues must also be addressed. The Town won't deny water, but must understand how much water would be needed. There are sewer, police, and fire concerns. The Town needs more time to address these.

Mr. Robb thought the Tribe could buy a little time. Not sure how soon the Superintendent will want to make his decision but generally the process takes a year at minimum. It has been two months since the process started. There are ten months to work something out. He felt it was not that big of a panic situation. Any time prior to a document being signed, the Tribe can back out of it. They need assurances that an alternative piece of property will work for the Tribe and can be taken into trust.

Ms. Lafferty said it was ironic because when their forefathers met with people coming in they probably gathered similarly and said 'trust me'. The shoe is on the other foot and it's not a good feeling.

Mayor Smith doesn't want to make the same mistakes. He wants to develop trust. He has been in the Canyon since 1972 and has witnessed many projects go well and verbal promises with the Park Service. Then years later when someone new comes along they don't honor agreements. Mayor Smith does not want to see this happen and have things change after the signatures dry.

Ms. Lafferty said everything being said is the truth about the possibilities. They have a governing body that makes the decisions and want to be sure everything is done in a fair and honest way. They don't want to be blindsided. The land they occupy will be under federal sanctions.

Mayor Smith said perhaps the first step is to have an understanding with complete open communication. He felt a Paiute cultural center would be a gem for the Town and potentially one of the most visited places next to the National Park itself. Doesn't think anyone in Town would deny that. Fear is in development of something that doesn't belong in Springdale.

Mr. Chambers said part of the Council's job is to plan for the future. There is a tipping point where water and sewer systems need to be changed. If something is developed which tips the balance and changes need to be made sooner than was planned for, it is a problem. Understanding the scope and timing allows the Town to effectively plan for the future and determine how Paiutes can help pay. We need to have the information so we can partner.

Ms. Bow said their offices are located on 42 acres right in the middle of Cedar City. They are on city water and sewer. They work well and cooperate very well with the local governing entities.

Mr. Robb said they use county building inspectors for their work. Ms. Bow added that even though they are not required to, they do. Because they want to work with the community, the Band Council adopted local building codes.

- Although the Tribe is a sovereign entity they have always worked well with locals. Talk to the former mayor of Cedar City and he will tell you that we work together. There have not been any adversarial issues. She does not think this would change.

- Springdale may not have final approval but they would be aware of what was going on. Honor the natural colors of the landscape.

Mr. Robb said the Tribe was even paying for the paving of a city street.

Mr. Weyher suggested that if delaying the request was tied to costs perhaps the Council and Town would agree to pay for additional submission fees if another piece of land couldn't be found.

Mr. Robb said they would have to have an attorney review. It would have to be a piece of property that not only the Town thinks is suitable but that they do too.

Mr. Chambers said that he heard regardless of where the land is, the intent is that it becomes sovereign. Mr. Robb said that was correct. They will apply to have the land taken into trust.

Mr. Weyher said that the Town has not allowed commercial development on the hills. If land becomes sovereign the Tribe may consult with us but if they don't like what the Town has to say, they can develop regardless of our land use ordinances. He wanted to know if relocated to another place would the Tribe agree to work with the Town on zoning and land use ordinances so Town stays uniform.

Mr. Robb said there are a very limited number of restrictions that the federal government will allow be put on the property and still take it into trust. If the Tribe were to sign a letter with the Town agreeing to restrictions, the federal government would probably deny the land trust request.

Mr. Weyher clarified that the Tribes' reasons for taking the land into trust are taxes and a desire to put the reservation back together. He suggested if the land was owned by the Tribe and the Town found a way for them to abate taxes, would they consider not putting the land into trust.

Mr. Robb expressed that there were a lot more benefits besides taxes to having land in a trust.

Mr. Weyher said the Town wanted to do something that was a win-win situation. He said it will be difficult if both parties did not get along. He said the Town would really love to have them here.

Ms. Rollo said that regarding the night sky issue, their pow-wow grounds are a block off Main Street and near residential housing. They stop their pow-wows the same time the city ordinances say loud noises and lights must be out. Although they are not required to stop they do out of respect for their neighbors.

Mr. Robb continued and said he thought Mr. Weyher's suggestion would be a hard one to get through but they would have to look at the other ramifications.

Ms. Bow pointed out that every time a meeting has been called, they have been here. They want to be a good neighbor. Mayor Smith said the Town appreciates that and the meetings are important to talk and understand what everyone is thinking. The Mayor said currently anything sold in Springdale was subject to a resort tax or sales tax. He asked if the land becomes sovereign, does the Tribe collect taxes for the benefit of Springdale or is it a tax-free zone.

Ms. Rollo said it can be set up either way.

- Native Americans are not required to charge sales tax to other Native Americans on the reservation. To non-Natives they are supposed to charge, and like other businesses it goes to the state.
- Some Tribes have negotiated a tribal tax compact which says they charge the full state tax rate but the Tribe is able to keep money for future development. Years ago a tax code was proposed where the Tribe collected full sales tax. Some would stay with Tribe, rest would go to state.

- Tribe may be willing to say that a portion of tax money goes to county because they realize that it is lost revenue.
- For Cedar City, the Tribe spends about $8 million dollars a year in the community. The Tribe employs people, they pay college scholarships, they have a health department that supports local hospitals, and they pay taxes on purchases. They do benefit the community. If and when the Tribe did a tax code, they would be willing to talk to the Town about options.

Mayor Smith said the Town gets its' revenue from sales tax. Mr. Wixom said Springdale's property tax last year generated a total of $54,000 from the whole Town. On the other hand, the Town received 1.6%, or $950,000 of sales tax revenue. This is money generated from every taxable sale in the community. The Town's operations including, community development, streets, parks and employees are paid out of sales tax revenues.

Ms. Rollo said the Tribe would be willing to negotiate that into a tax compact with the state. They expect to use the Town's fire and police and are willing to pay for them. These are things that can be worked out.

Mayor Smith said these are the questions and answers we are looking for. But depending upon the person he asks, he gets different answers. This needs to be worked out.

Mr. Robb said they would be adding additional roads to the list the Federal Highway Administration gives them money for. Money is used to preserve those roads and would be added to help Town maintain its roads that lead up to the reservation. Tribe is also eligible for numerous grants not available to anyone except Indian Tribes. Grants are much easier to obtain when you have a Tribe as a partner.

Mr. Player said that if another suitable piece of property was identified the Tribe would still want to put into trust. Only advantage in land swap would be to move the Tribe from foothill residential to commercial zone and protect the mountain.

- The best course of action was to work closely with the Tribe.
- He heard the Tribe was not willing to stop the application process which leaves the Council no choice but to respond.
- He would like to maintain a close relationship so what the Tribe is doing in Cedar City would work equally for Springdale.

Mayor Smith suggested a committee be established to keep communication going.

Mr. Robb said anything they plan on building would be brought before the Council and Planning Commission.

Mr. Alltucker spoke and said the community was obviously concerned about the project. They are excited about the Paiutes and the cultural center. It will be an enhancement to the Town, but most are scared of the unknown. What is in the application and what your words say are different. He suggested the Tribe work on defining the project more clearly. This will do away with fears.

Mr. Robb said it doesn't matter what the application says they are going to build. Because once in federal trust, the government is involved.

Mr. Alltucker said everyone thinks the Paiutes are honorable people and will do what they say, but how do we jump forward fifty years and reassure what you say now will be what happens in the future. Communication can help take fire out of concerns.

Mayor Smith said he hoped they understood the Town's concerns or fears and the Tribe realized they need to be eased.

Ms. Bow stated the Paiute Tribe does not believe in doing damage to the land. Mayor Smith had personal experience knowing this was true. He wanted them to feel that the Town of Springdale is welcoming you and we are not against you. They want them to come. The Mayor expressed his desire for both parties and mutually we are good citizens for each other. This is the crux of the meeting.

Ms. Rollo thought setting up a committee of relevant people would be a good idea to keep the communication open during this process. Mayor Smith volunteered to be on the committee. Rick Wixom, Tom Dansie and another Council member were also recommended to be on the committee. Ms. Lafferty said they would host the next meeting.

Mr. Weyher added that Springdale isn't perfect and it is commercial. This is a good opportunity for the Tribe and others to make money and provide jobs, but the look of Springdale is very important to us. Town is worried about big commercial development such as a casino or large hotel. Interpretive trails and minor impact development is more favored. He expressed that the Town does want them to have enough property to do what they need to do in the valley where it would be more appropriate. Therefore the more unknowns you can help us dispel the better.

Ms. Bow said we are willing to work with you if you are willing to work with us. Mayor Smith indicated they are more than willing to work with the Tribe. Working together everyone can accomplish their goals and create something the Paiutes and the Town of Springdale can be proud of.

Mr. Chambers said that as the Paiutes go through with their process, the Town must do their responses. We still want to work together but it is important to be upfront about the fact that there will be two tracks going.

Mr. Ross indicated they had purchased three and a half shares of Springdale irrigation water. Mayor Smith said they don't want this to be an issue, but the three and a half shares were held by the Park Service. In the bylaws of Springdale Consolidated Irrigation Company the only way shares can be sold are to another share holder or with the land. Otherwise must give the Town the right of first refusal. We notified GSA that Town intended to use our right of first refusal option.

Mr. Wixom said this happened a year ago. GSA said the shares were worth so much but the Town said they were worth a different amount. GSA said they would put the shares up for auction to which the Town responded they would insist on their first right of refusal option. Currently this is where the issue stands.

Mayor Smith said currently they were battling with the GSA. The situation has nothing to do with the Paiute Tribe. It has everything to do with the procedure GSA.

Mr. Ross said the Tribe had already paid them.

Mr. Weyher clarified that the Town would do this no matter who was involved.

Mr. Chambers said the planning for water is something the Town has been working on for thirty years. It is an agreement that has been in place with the irrigation company.

Mayor Smith said that he and Mr. Wixom learned only recently that the Paiute Tribe was the winner of the auction. He does not want this to be a sore spot and give the perception that we are attacking. The issue is with GSA following the rules.

The Mayor addressed Mr. Dansie and asked if he had any questions or concerns. Mr. Dansie said the Council elaborated well the Town's concerns. It was primarily land use control issues. He understands the reasons to put property into a trust is to avoid the land use regulations the Town has in place. Through the committee they can

talk about the look and feel of what the Tribe wants to do and make it consistent with other development in the Town.

Mayor Smith wants to keep the momentum of the discussion going and asked Mr. Wixom to work with Mr. Robb to schedule a committee meeting soon. Mayor Smith thanked the Paiute representatives for coming.

Motion to adjourn at 4:31 PM made by Mark Chambers; seconded by Adrian Player.
Chambers: Aye
Smith: Aye
Player: Aye
Weyher: Aye
Alltucker: Aye
Motion passed unanimously.

Transcribed and attested by: Darci Carlson
Darci Carlson, Town Clerk

Approved by: Stanley J. Smith, Mayor Date: 1·14·15