



118 Lion Blvd PO Box 187 Springdale UT 84767 * 435-772-3434 fax 435-772-3952

**MINUTES OF THE SPRINGDALE TOWN COUNCIL MEETING ON WEDNESDAY, SEPTEMBER 17, 2014
AT 5:00 PM AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH
MEETING STARTED AT 5:00 PM**

MEMBERS PRESENT: Mayor Stanley J. Smith, Councilmembers Adrian Player, Bill Weyher, Mike Alltucker, Mark Chambers

ALSO PRESENT: Town Manager Rick Wixom, DCD Tom Dansie, and Town Clerk Fay Cope recording.

Pledge of Allegiance led by Liz West.

Approval of the agenda:

Motion made by Adrian Player to approve the agenda with strike to B2 due to applicant withdrawal; minutes from August 13, August 18 and August 20 are not available; and acting Superintendent is Fred Armstrong ; seconded by Mark Chambers.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Discussion/Announcements/Non-action items

Mayor Smith wanted to acknowledge the unexpected passing of Ann Wixom's mother on Monday. The funeral will be on the 22nd so Rick Wixom will miss the meeting with the Paiutes on this day.

Mr. Chambers wanted to remind everyone that next weekend on the 26th – 27th the Zion Canyon Music Festival will be going on at the ballpark. Anyone with time to volunteer should speak to Julie Hancock. There is a great line-up of entertainers and it is set to be a fantastic weekend.

Visitors Bureau report: Liz West announced they are still looking for a president. Currently there are no prospects but they were anxious to identify someone so they could start working with Roxy from the St. George Tourist Office.

Zion Park update: Fred Armstrong serving as Acting Superintendent announced a Superintendent has been selected for the Park. It had been announced to the staff and a press release is forthcoming from the Regional Office in Denver. Jeff Bradybaugh will be returning to Zion National Park as Superintendent. He was previously the Chief of Natural and Cultural Resources for Zion and most recently was the Superintendent of Bryce National Park. His appointment date is October 19th.

- Also of wide interest is the condor hatch in one of the remote canyons. A wildlife biologist doing some reconnaissance noticed that the chick was out on the edge of the nesting cavity and has almost all of its adult plumage. In another month or two it will probably fledge and be flying. The biologist saw the mother return to the cavity to do a food delivery. This is the first wild born condor in the state of Utah of historical record. Photograph was taken with telephoto lens and is on Zion Facebook page.
- The rain on Tuesday temporarily closed the Park road. The culverts filled up with debris and sediment and overtopped the road on the east side and main canyon. There was lots of mud and the shuttle system had to be halted for about four hour. Quick action by the maintenance crews preserved roads.

- A large, older big horn sheep was removed due to respiratory distress. Density of herds is growing and therefore disease outbreaks are a concern. Initial cultures taken from the animal showed it was in fairly healthy condition. Park is working with Utah Division of Wildlife Resources to come up with a management plan to do a periodic transfer of animals to help populate other areas. Need to be certain they are not transporting unhealthy animals.
- No one is saying anything about potential for government shutdown. The Park does not have an approved budget yet but suspect it will go through despite what happened last year.

Z-Arts report – Nancy Goodell reported about 50 adults and children attended the first of three Odyssey walking tours held in Virgin. On October 11th the next walking tour will take place in Rockville/Grafton and will be led by Leon Lewis and Jack Burns. The third and final walking tour will be held November 8th in Springdale and led by Michael Plyler.

- Documentary film by Edward Abbey shown at giant screen theater. Sold 323 tickets which showed success and will hopefully spawn more wilderness events.
- Thanks to Mark Chambers and Joe Pitti for efforts with the third annual Greek Theater.
- Z-Arts stage will be at Zion Canyon Music Festival.
- October 17th the silent movie “Ramona” will be shown with musical accompaniment. The movie was filmed in Zion in the 1920’s. Z-Arts members are eligible for a limited number of free tickets to this event.
- Other October events include a new art show highlighting the printmaking of Royden Card, and a poetry reading and writing workshop.
- Go to Z-Arts website for more information.

Mr. Chambers said the walking tour was amazing and it was a great way to get to know the community.

General Plan report: Mr. Dansie said the Planning Commission was finishing up a number of ordinance amendments that were recommended by the Town’s Housing Committee. Some had already come before the Council and more were to come.

- The Planning Commission is now starting the process of revising the General Plan. The last update was in 2010. This is a major project that will take a lot of time and require community input and support. There will be upcoming opportunities for community involvement.

Presentation on Fiber Optic Internet: Mr. Dansie said he received word the representatives from First Digital would be arriving about 5:15pm. Mayor Smith said he spoke to First Digital last week when he was in Salt Lake City. They are ready to start. The Town needs to also work with CenturyLink and give them an opportunity to present a plan.

Mr. Chambers asked if CenturyLink submitted a plan also. The Mayor said they gave the Town an idea but if the Town puts up any money, an RFP would go out for bids.

Presentation on Transit between St. George, Hurricane and Springdale: Levi Roberts introduced himself as a planner for Five County Association of Governments. He works on a mobility management program which focuses on meeting needs of those with limited mobility through transportation services.

- Mr. Roberts thanked the Mayor for the opportunity to come. His colleague Dave Demas is also working on the project. Studies done in 2010 show transit would be viable in the St. George to Zion corridor. In order to happen it needs community support. Now they would like to start talking routes and costs.
- Met with representatives from the corridor including Mayor Smith, Mayor Bramall from Hurricane, and reps from Rockville, La Verkin and the Park. Consensus is the best and most feasible option is to pursue a commuter bus with limited stops run during peak times. Costs for this option would be lower. If more frequent service then they need to offer paratransit service, which is a door-to-door service. This would likely double the cost.
- Mr. Roberts provided handouts (see attachment #1). Information was preliminary and could change. Could operate through an Interlocal Agreement with St. George City. They have the administration and

training to hire drivers and procure the buses. Proposed route would start in St. George, with stops in Washington, to Highway 9, stops in Hurricane, La Verkin, Virgin, Rockville, Springdale and then to the Park entrance. Route would take about an hour and fifteen minutes and designed to be a commuter route. Designed to run ten times a day.

- Mayor Smith spoke to the Mayor of Washington and he was in favor of the idea and willing to work with the group.
- Spreadsheet of expenses was developed. Federal funds available to pay 80% federal with 20% local match for the capital and 50%-50% for operating expenses. Year one could cost \$675,000. Not included in the analysis are fares. Possible that 25%-50% of expenses would be recovered by fares. Expenses shown are per month and are for the entire route, not per town.
- Community support is needed in order to make it happen.

Mr. Chambers asked if there was a bus route from the airport to St. George. Mr. Roberts said the St. George Shuttle operated transportation. It was in the plans to have an airport route.

Mayor Smith indicated that each community would be responsible for their bus stops. Springdale has an advantage because of the current shuttle stops. The Town would have to work on signage, but it would work out without a lot of complications. The Park is also onboard.

Mr. Roberts said there is a wide range of beneficiaries from people working in Springdale to those in St. George wanting to go to the Park to those trying to get to doctor's appointments or services.

Mr. Player asked what a reasonable fare might be going from Springdale to St. George. Mr. Roberts said the SunTran manager suggested about \$10.00. They feel it would be worth doing a fare study to determine. It would likely be a variable fare. Mayor Smith suggested a monthly pass would be significantly less. Mr. Roberts again emphasized this was all very preliminary.

The Mayor said based on the survey results the majority of users would be tourists.

Mr. Alltucker asked if new or replacement buses were factored in. Mr. Roberts said the initial cost is \$2.5 million and includes capital expenses. Over time replacement costs can be built into the budget so it is not a shock during the years when buses are replaced.

Mayor Smith indicated the Town conducted its own transit survey. Mr. Dansie said 75% of the respondents replied with either "strong" or "very strong" support for the projects. The Mayor reiterated the fares have to be affordable and enticing so people ride the bus.

Nancy Goodell spoke from the audience and asked if the buses would be bicycle equipped. Mr. Roberts indicated they would. She also asked about parking areas at the proposed stops. Mr. Roberts acknowledged there is some work to be done in that area. They would most likely work out agreements with businesses, churches, restaurants and different locations for parking options. Mayor Smith indicated Hurricane already had ideas in mind where cars could park.

Ms. Goodell asked if buses would run seven days a week. The current proposal was Monday through Saturday however this is something that can be reconsidered. Mayor said intent was for it to run year round with adjustments to schedule during shoulder seasons. He encouraged the Town to bring any other questions and concerns to him so they can be brought up and discussed at upcoming meetings. It looks to be a doable project. If there are towns that don't participate then there won't be a bus stop there.

Mr. Armstrong said Zion Lodge employees would have a challenge getting to the Lodge if bus stopped at Park entrance. He also thought lower paid people may be more willing to utilize the bus service. The use of van pools was brought up.

Action Items – Administrative

Appointment of Town Clerk Darci Carlson effective October 6, 2014: Mayor Smith said there were fifteen applicants for the Town Clerk position, six were interviewed and two were chosen to speak with the Town Council and myself. Darci Carlson was selected. She is currently working for The Automobile Club of Southern California. She and her husband live in California and they own a lot in Kinesava. They will be moving and building on the property and here in our community. Her husband is an adjunct professor of business and will be doing work with Dixie State or SUU. They will be a great addition to the Town.

Mr. Alltucker asked how the hand-off would happen between Fay and Darci. The Mayor indicated the staff would cover for the week gap. Mr. Dansie is Deputy Clerk and is helping to fill the role. Mr. Weyher indicated Fay and Darci are communicating. Fay will also be available by phone.

The Mayor invited everyone to come and meet her. He said she is an outgoing person and was impressed with her demeanor.

Motion made by Mark Chambers to appoint Darci Carlson as Town Clerk of Springdale effective October 6, 2014; seconded by Adrian Player.

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Approval of Contract with Forsgren and Associates for Street Lighting Design Project: Mr. Dansie said Ryan Wheeler was in attendance and could answer questions. The contract emailed in the packets was a complete lump sum contract. There was a revised contract emailed yesterday that included the construction management portion on an hourly basis. This is what you are considering tonight.

Mayor Smith said that when streets are dug to lay conduit, more will be laid in anticipation for future use. He wants to be sure there is plenty of conduit which will cost more now but in the long run it will be smarter.

Mr. Alltucker asked why the change to hourly fee on the inspection portion. Mr. Dansie answered that in the RFP they provided the respondents a hypothetical construction project to base their costs so the Town would have an equal comparison. Based on these assumptions, each consultant provided construction estimates. However the Town does not know if the hypothetical will turn out to be real or not. If less, the hourly rate will save the Town money, however if more, the costs will increase. Mr. Alltucker said there is no cap. Mr. Dansie said 'no', not in the hourly rate proposal.

Mr. Alltucker also mentioned there is a clause that is limiting Forsgren's liability to \$50,000. He wanted to know why. Mr. Dansie said this was a contract provision and if Council has issue it can be discussed with Forsgren. Seemed strange to Mr. Alltucker that terms and conditions call out \$1,000,000 coverage but in work order it is \$50,000. He thought this put the Town in a backwards position especially as it relates to negligence. Mr. Dansie said it was in the draft but it can be discussed.

Ryan Wheeler from Forsgren said they would be willing to negotiate this. They generally limit the liability to the amount of the contract. If Town wanted to move forward with an amendment to have liability tied to amount of contract. Forsgren does hold insurance up to \$1,000,000 for errors and omissions.

Mr. Alltucker asked why there is a difference between liability coverage in the terms and conditions of the proposal. Mr. Wheeler said this was coverage they needed to have as an engineering firm. Mr. Alltucker again asked why the Town would want to accept a lesser coverage. Mr. Wheeler said it was a good question. He believed it was from their legal end and standard language. They try to limit their liability and change clause to be the amount of the contract. Also, construction contractor will have insurance.

Mr. Alltucker said the insurance is over and above the amount of the contract. Therefore why would it be limited. Mr. Weyher agreed. Mr. Wheeler said his company wanted to limit liability. If they do a \$5,000 project for example, they don't need to bring \$1,000,000 to the table. Mr. Weyher said this is what their insurance company does.

Mr. Alltucker used the example if there was a liability claim on a project where Forsgren employees were involved, with this exclusion, the insurance company would only cover \$50,000. Then they would turn to the Town for the rest. He did not think this was good business for the Town.

Mr. Wheeler said for this project they are just doing the design. They will have project surveyors and a construction manager in the field but no heavy equipment. The amount of liability is subject to different project situations.

Mr. Weyher said if Forsgren has employees on site while the construction was being done, Springdale should be named on the insurance. They can have the Town attorney review it but he did not understand why the insurance was capped. He acknowledged the risk was pretty minimal but it was still there, especially with tourists or bystanders. Mr. Weyher said their contract was confusing.

Mayor Smith asked if Greg Hardman had looked at the contract. Mr. Dansie said Town forwarded to Greg and Devon and asked for their comments but they didn't forward any back.

Mr. Player said two Councilmembers, with familiarity in the construction business, are saying they don't think we should have the insurance liability limited to \$50,000. Mr. Player wants the \$1,000,000 liability coverage flow to the Town. If this is negotiable, as stated earlier, he recommended this be pursued.

Mr. Wheeler said their insurance isn't designed to cover the contractor's work. The Council agreed.

Mr. Weyher said Forsgren will be onsite and responsible for the design. The contract calls for this insurance but then it is capped. The Town does not want a cap. He recommended Forsgren reassess the contract and the Town have their lawyer review.

Mr. Alltucker said Council could approve a motion that removes the exclusion and provides the Town with \$1,000,000 liability insurance. Mr. Dansie said they wanted to start on the project soon since construction is set to begin next winter or spring. Council could delay contract a month or strike the clause that limits liability.

Motion made by Mike Alltucker to approve Forsgren agreement with strike to exclusion of liability insurance so Town has \$1,000,000 of coverage and authorizes Mayor Smith to sign; seconded by Bill

Weyher.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Request for deferred impact fees for employee housing at 35 Lion Boulevard: Max Gregoric spoke to Council and said package he provided was straight forward. Mayor Smith asked if it was a separate house or

attached. Mr. Gregoric said it was a second story of a retail building with its own entrance. One unit, three bedrooms and meets the Town Code.

Mr. Chambers said this was done for Pioneer and asked what language was used. Mr. Dansie said there needed to be a notarized, recorded statement that confirms if housing ceased to be used for housing for employees, impact fees would be collected.

Mr. Alltucker requested clarification between the fees in Mr. Gregoric's letter versus the staff report. Mr. Dansie noticed he missed a zero. The Culinary Water Impact Fee should be \$6,060.00, not \$660.00. The impact fees listed in the staff report are just for the employee housing.

Motion made by Mark Chambers to defer the impact fees for development at 35 Lion Boulevard that will include a notarized and recorded statement that specifies if housing ceases to be used for employees the impact fees will be collected; seconded by Adrian Player.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Selection of Auditor Rees Certified Public Accountant, PC and Approval of Engagement Letter for Auditor Services, FY 2014: Dawn Sanders addressed the Council and said they received seven responses to the RFP. She and Rick Wixom reviewed each and were extremely impressed with Caleb Rees. He was invited in for a meeting. They felt he was professional with a good attitude.

Mayor Smith said the staff has done a great job. He wanted to publically acknowledge Dawn for her fantastic financial work. He has been impressed with the job she does and the Town is lucky to have her.

Mr. Player asked if we were getting the same coverage or better. Ms. Sanders said she felt it was better coverage with more personal attention and consistent follow through.

Motion made by Bill Weyher to select Auditor Rees Certified Public Accountant, PC and approve the engagement letter for auditor services for fiscal year 2014 and authorize Mayor Smith to sign; seconded by Adrian Player.

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Mr. Rees indicated the engagement was actually for five years but will modify for one year.

**Consent Agenda
Invoices:**

	Inv Date	Inv #	Vendor	Amount	Bud- geted	Description
1	7/15/2014	25878EPB	Blake Electric	\$ 729.70	Y	WTP Repair
2	7/21/2014	CW17343	Century Equipment	\$ 2,451.65	Y	Backhoe Repair
3	7/16/2014	1406250	Chemtech-Ford Laboratories	\$ 548.00	Y	Testing
4	8/10/2014	N/A	Chevron	\$ 3,883.75	Y	Fuel
5	8/27/2014	N/A	DABC	\$ 838.80	Y	ZCMF Wine
6	8/5/2014	SD08051401	E & M Services (Bill King)	\$ 1,231.00	Y	Anasazi Pump Station Troubleshooting
7	5/31/2014	N/A	Gilbert and Stewart	\$ 5,775.00	Y	Citation Audit
8	8/20/2014	N/A	Government Services Administration*	\$ 10,000.00	Y	Water Share Purchase
9	8/1/2014	N/A	McConkie, Marshall	\$ 850.00	Y	Monthly Prosecution Retainer
10	8/1/2014	Maint-24940	MVI	\$ 1,859.00	Y	Annual Maintenance Contract
11	8/5/2014	N/A	Newby Buick	\$ 36,572.46	Y	Vehicle Purchase (Robby Truck)
12	8/1/2014	N/A	Peiorus Methods	\$ 1,300.00	Y	Quarterly Support
13	8/1/2014	Consolidated	Rocky Mountain Power	\$ 8,312.27	Y	Electric Service
14	7/2/2014	896697	Scholzen Products Company	\$ 979.00	Y	Magnetic Locator
15	7/21/2014	900468	Scholzen Products Company	\$ 1,078.35	Y	Chlorine
16	7/14/2014	898781	Scholzen Products Company	\$ 1,235.00	Y	Welding Steel
17	8/11/2014	67745	Snow Jensen & Reece	\$ 4,611.66	Y	General Representation
18	6/3/2014	73005	Sunrise Engineering	\$ 5,486.00	Y	Irrigation Manhole Project Engineering
19	7/2/2014	73351	Sunrise Engineering	\$ 2,314.00	Y	Irrigation Manhole Project Engineering
20	8/11/2014	73996	Sunrise Engineering	\$ 4,669.78	Y	Irrigation Manhole Project Engineering
21	7/25/2014	1341319	Thatcher Company	\$ 4,327.20	Y	Alum
22	8/26/2014	N/A	Wixom, Rick	\$ 837.00	Y	ICMA Travel
23	8/16/2014	9730488577	Verizon Wireless	\$ 944.68	Y	Cell Service
				\$100,834.30		
			*via Zions Bank Cashier's Check			

Mr. Chambers and Mayor Smith indicated they did not see the minutes from September 10th, however Mr. Weyher said they were on the website via link. Mr. Weyher said it was the meeting when they met with the Town Clerk candidates.

Motion made by Adrian Player to approve the Consent Agenda including the minutes from September 10th; seconded by Bill Weyher.

Alltucker: Aye for invoices but abstains on minutes from September 10th.

Player: Aye

Weyher: Aye

Smith: Aye

Chambers: Aye

Motion passed unanimously.

Actions Items – Legislative

Public Hearing: Ordinance 2014-08; Adding standards to regulate the size, style, approval process and other matters related to solar energy devices: Mayor Smith welcomed everyone and reminded them the Public Hearing format was on the back of the agenda. He said public hearings have potential to be emotional so he would appreciate comments stay focused on objections or support of issue. He asked everyone to be civil without personal attacks.

Mr. Dansie began by stating this was an ordinance that adds standards regulating solar energy devices. The two standards are process and design. Currently in code there is a brief process of review and approval of solar energy devices and brief standards that govern how they look.

- This ordinance adds a new process of review: Submit application, neighbors notified, if objection is raised a meeting of Planning Commission is called and device is reviewed with intent of finding most visually unobtrusive place on property for device.
- The other change is to the design standards. The ordinance defines three classes of solar energy devices:
 - Roof mounted
 - Ground mounted
 - Pole mounted

The intent is to continue to encourage and promote solar but provide a more rigorous review and clear-cut standards of how the devices will look on property.

Commission discussion: Mr. Weyher asked if the application was only for pole mount and ground mount. Mr. Dansie said 'correct', that was a good clarification. The notice to neighbor portion does not apply to roof mounted solar energy systems. All the other standards do.

Mr. Alltucker asked if the Town had other circumstances when neighbor notifications were required. Mr. Dansie answered certain types of commercial developments, high visual impact lots in the FR zone and home occupation permits all require public notice. Mr. Alltucker also asked about situations where existing installations do not comply with the new rules. Mr. Dansie stated that if a structure is legally permitted and then rules change such that it no longer complies, it is granted legal non-conforming status or it is grand-fathered in. If there was an application to expand or modify, the project would then need to meet the new standards.

Mr. Alltucker asked how a roof mounted or ground mounted solar installation should be screened. Mr. Dansie said language in the current ordinance is vague and applies to all mechanical equipment whether it be an air-conditioning unit or propane tank. But then there is a clause that says screening does not apply to solar energy systems if screening makes system inefficient. The intent of the new clause is to replace this rather vague language with new, more robust language. The new language talks about reducing the visual impact of solar energy systems. Mr. Alltucker was concerned about the word 'screened' as used in the general standards language in 10-15E. Mr. Dansie admitted 'screened' may not be the best word to use. It was concluded the word 'designed' would be less confusing.

Mr. Weyher thought the design restrictions are fairly restrictive. In addition, he had issue with the pole mount option only being available for public use. Every house is different and for some sites only a pole mount would work. He asked how the Planning Commission determined the heights.

- Mr. Dansie said the Planning Commission wanted the ground mount to be truly low to the ground, therefore they felt anything higher than 6" off the ground or 6' high, would lose the advantage of being ground mount.
- Mr. Weyher asked if the Commissioners considered the size of solar panels and optimal tilt angles when heights were determined. Mr. Dansie said they did not necessarily consider tilt angles, but they did look at solar panel size and what existed in Town and the Park.
- Mr. Chambers asked if Bill Ellard, or another solar expert, reviewed the standards. Mr. Dansie said Mr. Ellard reviewed several times and attended at least one Planning Commission meeting. His offered written comments which were included in the packet. His main concern was with the neighbor notice of the code. He did not provide specific comments about the design standards.
- Mayor Smith said the first applicant will be a guinea pig. With any ordinance you try and cover your bases but if there are issues it may require further revision.

Public Q/A period:

Max Gregoric stated that if ground mounted systems needed screening and were only 6" off the ground, they will require quite a bit of area to be screened from neighbors. He wanted to know if they considered this issue.

- Mr. Dansie clarified the screening does not need to be immediately adjacent to the unit. If larger area was not available for screening the device then the efficiency of the ground mounted system could be compromised.

Mr. Gregoric also said 'needs to be screened from any neighbor' is broad language. He questioned if a nearby neighbor looked out from a two-story building. Mr. Dansie said 'screen' doesn't mean to be invisible or 100% obscured from surrounding properties. There needs to be a visual barrier between the property and the solar energy device.

- Mayor Smith asked if 'screened' was defined somewhere in the ordinance. Mr. Dansie answered the proposed draft uses simpler language. For example, 'needs to be in the least visually obtrusive area', or

'minimal visual impact'. All of these terms are somewhat subjective. Some components of the ordinance are cut and dry, in terms of heights and sizes, but others are more subjective.

- Mr. Weyher said someone must submit a plan and demonstrate they are making the visual impact as low as possible. But they can't screen so much that it doesn't see the sun. If too tough, people will not be able to economically build. We don't want to discourage.

Mr. Gregoric thought the ordinance indicated solar could not be used for signs. Mr. Dansie said the intent of section 10-15E-6A.5 is not to disallow a solar panel to power a sign, but the solar panel cannot *be* the sign. You can use a solar panel to power a sign as long as it is no greater than two square feet in size.

Mayor Smith wanted to clarify the Town was the applicant. Mr. Dansie said this was an ordinance recommended by the Planning Commission.

Motion to open public hearing by Mark Chambers; seconded by Adrian Player.

Weyher: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Public comments:

Referring to the ground mounted units, Lisa Zumpft asked the Council to consider less restrictive uses. She mentioned some ground mounted units can also be used as shade structures. As long as they are at the proper angle she did not feel it mattered if they are on the roof of a house or part of a shade structure that supports the panels.

Max Gregoric appreciated what the Planning Commission does, but thinks they erred in putting forth this ordinance. The air quality since he has lived here has diminished due to coal fire plants. Any ordinance that restricts solar is going in the wrong direction. Zion National Park pedestrian entrance has a pole mounted solar panel system in plain view. Also as Ms. Zumpft stated, they use ground mounted systems for shading in their parking. They have a wide array of solar panels that are not screened. To Mr. Gregoric, if it is ok with Zion National Park, why is the Town being more restrictive. He would like to see the pole mounted systems being included in all areas. They are more efficient. He doesn't necessarily think screening is any less visually pleasing than the panels. The limits on size stating you cannot have a system any bigger than the power you can use seemed crazy. He asked that it be sent back to Planning Commission with major draft changes. He plans to put solar on his next project and on Sol Foods.

Joe Pitti spoke and said the ground mounted system creating shade is essentially a roof. This discussion did take place in the Planning Commission. It wouldn't mitigate anyone from using a solar panel to create a shade structure because it would fall under roof mount system. Mr. Pitti said the ordinance allowed applicants to apply for a pole mounted system if they found the other options were not viable. Mr. Dansie clarified and said there was a provision in the ordinance that if the three classes of mounts are not feasible and an alternate system was available, the Planning Commission would consider.

- Mr. Weyher said the ordinance draft currently only allows pole mounted solar energy devices in public use areas. Mr. Dansie read the from section 10-15E-6D, 'Pole mounted solar energy systems are only allowed in the public use zone and only allowed if the applicant demonstrates that there is no feasible way a roof mounted or ground mounted system could be effective on the property, or if the applicant demonstrates that the pole mounted system will have less visual impact than any feasible roof mounted or ground mounted system on the property.' It is pretty definitive that pole mounted systems are only for public use areas, however alternative types of solar energy applies to all zones.

Ms. Zumpft wanted to reiterate Mr. Gregoric's comments and asked the ordinance be looked at again to make it more useful for the residents in Town.

Motion to close public hearing by Adrian Player; seconded by Mark Chambers:

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Commission discussion: Mr. Weyher began by stating he felt the ordinance was restrictive from a design standpoint and felt requirements should be broadened. He recommended pole mount maximum height be increased to 20' from 15', and ground mount be increased from 6" to 2' off the ground and 6' to 10' high. He also felt they should strike pole mount be used for public use only.

Mr. Chambers referred back to the General Plan for guidance on sustainability and visual impact. Visual impact has a higher priority than sustainability. He feels the Planning Commission has successfully developed an ordinance that encourages solar but keeps visual impact in mind.

Mr. Alltucker said his subdivision had a crude set of rules in place, but there has been no other issue between neighbors that incites more emotion than solar panels. He felt it is a good start and a good compromise. Mr. Alltucker felt the ordinance would mitigate some of the arguments regarding solar.

Mr. Player acknowledged he is not a solar expert, but does not understand why the ordinance would specify a roof mount be flush if this was not efficient from a system standpoint. He does agree an ordinance needs to be put into effect, but doesn't think what they currently have is quite right. Mr. Player does not want to put something into effect now which needs to be changed in future. Agrees visual impact is important.

Mr. Chambers said he too is not an expert but Mr. Ellard said it was fine. Mr. Dansie indicated Mr. Ellard submitted comments, but not on design.

Mr. Weyher, putting on his mechanical engineer hat, said he considered his own property as a point of reference. If heights are too restricted it would discourage people from installing. He did not think the ordinance was flexible enough.

Mayor Smith said the Town is trying to accomplish two different things and both are conflicting with this ordinance. If Town wants to go solar and encourage green energy, that is one thing. But if we put forth an ordinance that says we want it only when convenient, that's another. He has concerns about not being able to pole mount unless a public utility. What is the difference between a pole with solar panels designed to shade versus a large tree that shades. It is a personal preference. If a pole mounted solar panel is good for the Town it should be good for residents. Town should abide by same rules as residents.

Mr. Weyher said the ordinance is not perfect but it is a good attempt. As written, plans have to be reviewed and neighbors need to be notified so people will have an opportunity to provide input.

Mr. Chambers said it all boils down to what is more important – solar energy and sustainability or visual impact. He referenced the nine areas identified in the General Plan as priorities:

- Conformity of Formula Businesses to Local Zoning and Design Standards
- Enforcement of Building Ordinances and Planning Decisions/Building Appearance Ordinance
- Pedestrian-Oriented Streetscape
- Parking
- Virgin River

- Traffic and Vehicular Transportation
- Open Space
- Sewer Lines
- Geologic Hazards

Sustainability was not considered to be one of the priorities whereas visual impact is. He said these priorities can change, but he is using the General Plan to direct us.

Mr. Weyher said that if payback is too tough no one will want it. One size doesn't fit all and lot size is a factor.

Mr. Chambers said the reason this dialogue started is that a resident installed a pole mounted solar system and there were a lot of complaints. He said this ordinance prevents someone from putting anything in place that was outrageous as it relates to the installation of solar panels.

Mr. Player said due to trees around his home he could not follow the ordinance. His roof does not have enough pitch to maximize a system, so angles would not be compliant.

Mr. Alltucker said the main issues are retrofitting. All new designs will use this model for the roofs, for parapets, and screening. Other than the design issues already discussed, it helps us move forward and is a good start.

Motion made by Bill Weyher to adopt ordinance 2014-08, with change to allow pole mount be available for residential use and have a maximum height of 20'; ground mount will allow installation 2' above the ground to maximum of 10' high; seconded by Mike Alltucker.

Amendment by Mike Alltucker to strike the words 'must be screened' to be replaced with 'must be designed' according to the standards in all four places (2, 3, 4 ,5) of existing code where this occurs in the ordinance language; seconded by Bill Weyher.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Mr. Chambers took issue with the 20' height restriction for a pole mounted solar panel. He felt this was too high. Looking at a 20' high solar panel was different than looking at a tree. Mayor Smith asked what the difference was if it was put into a shade structure.

- Mr. Chambers said there were ordinances to deal with design standards for buildings, but the shade structure is not a building. He wanted to hear from an expert to better understand what the implications could be.
- Mr. Alltucker also felt a 20' high pole mounted solar panel would create public outcry. He noted it can't be screened and wouldn't comply with any other parts of the ordinance. He assumed this is why the Planning Commission omitted it.

Mr. Weyher wanted to amend his original motion and stay with a 15' maximum height for pole mounted solar panels.

Motion made by Bill Weyher to adopt ordinance 2014-08 with changes that allow pole mount in all zones with maximum 15' height; for ground mount allow 2' height above ground with maximum 10' high; seconded by Mike Alltucker.

Mr. Chambers raised concern that if plans have to be reviewed by the DCD and neighbors and the Planning Commission, had they set it up to fail. Mr. Alltucker agreed and felt if someone wanted a pole mounted system in their backyard it would probably be difficult to get through. The Mayor asked Mr. Dansie his feelings about these concerns.

- Mr. Dansie felt there were strong arguments both ways. Pole mount option is only allowed if you can demonstrate that roof mounted or ground mounted options are not feasible.

Mayor Smith asked for a vote on the motion.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Public Hearing: Ordinance 2014-09; Adding allowance for Accessory Dwelling Units in the VR zone: Mr.

Dansie said this ordinance grew out of the Town's Housing Committee. Their goal was to diversify the residential housing options in Town. An accessory dwelling is a guest house, casita or structure that can be rented on a long term basis. Currently code dictates it cannot be rented or permanently occupied. It can be used for non-paying, occasional guests. This ordinance would change that and allow for another housing option. The ordinance makes it a conditional use in the VR zone, so property owners would need to go through the condition use permit process. There are also a number of design standards.

Mr. Dansie explained the most controversial issue was to determine which zones should allow accessory dwelling units. The Planning Commission ultimately recommended they be allowed in the VR zone and VR subzones but not FR zones because impact to community character would be greater in this zone.

Mr. Weyher asked why the ordinance specified if you build a new ADU it cannot rent for five years. Mr. Dansie said the intent was to allow people with already existing units to rent now, however the Planning Commission was concerned there may be speculative guest house building and wanted to cut down on that possibility.

Mr. Weyher noted that in the VR zone if you have a ¾ acre lot you can build a duplex. Therefore he asked if a duplex can have an ADU. Mr. Dansie indicated each duplex cannot have an ADU because the ordinance is specific that there can only be one ADU on a property. But potentially a duplex unit can have an ADU.

Mr. Dansie said there is no prohibition against having an ADU, but they cannot be permanently occupied. If you can demonstrate they were occupied prior to adoption of the ordinance in 1992 they are legally non-conforming.

Mr. Alltucker felt the five year restriction on new construction is ripe for challenge. He asked if legal counsel reviewed. Mr. Dansie said that Town attorney did review and didn't make a specific comment on that.

Mr. Alltucker asked how many possible lots in VR could be affected. Mr. Dansie answered one of the requirements is the lot is at least a half-acre in size. Ms. West spoke from the audience and said 12-14 lots are in the VR sub-zones. In regular VR zone there were approximately 30.

Mayor Smith said his understanding was that it was being taken out of the FR because this is where most of the objections came from. Mr. Dansie said objections came from owners in Anasazi Plateau and also from FR owners not in a developed subdivision. Their concern was that some subdivisions had CC&Rs that could protect the community against ADUs, but a non-developed subdivision had no CC&Rs.

Mr. Chambers asked how many secondary units are in VR now. Mr. Dansie stated approximately 15.

Mr. Alltucker asked if there were instances of non-compliant use of accessory dwellings in VR zone now, would there be a grace period for them to become compliant. Mr. Dansie answered that unless an accessory dwelling was continuously rented since 1992 they do not qualify for non-conforming use status and are in violation. With the passage of the ordinance the property owners have an opportunity to come into compliance through the application process. There is no real grace period. If there were an enforcement action against these properties their options are to cease use or make legal through the process.

Public Q/A period:

None were asked.

Motion to open public hearing by Mark Chambers; seconded by Bill Weyher.

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Public comments:

Max Gregoric lives in Rockville but expressed his views. He lives next to an ADU and is in favor because the area needs affordable housing and a mix of people. But, in his particular instance, there have been issues with renters and the absentee landlord which had caused problems.

Lisa Zumpft asked if the owner must live in one or the other units so there would not be an absentee landlord. Mr. Dansie said as written the property owner must live in one or the other units on the property.

Motion to close public hearing by Adrian Player; seconded by Bill Weyher.

Alltucker: Aye

Player: Aye

Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Council discussion:

Mr. Chambers said per the General Plan, we need to be looking at affordable housing. He had concerns however. The Town had been trying to address this issue over the past few years as is evident with a number of projects including: Red Hawk houses and apartments, the Rayner-Coleman townhouse project, discussion of employee housing as done tonight, and the Moenave development.

- People had been living with the ban since 1992, but we still don't know what this will open up. With the upcoming review of the General Plan and transient lodging, he felt it might be best to put this on hold to see the outcome of these discussions.
- Town was adding more density and doesn't know if there is enough information to understand the impact to water, sewer and traffic.

Mr. Player supports Mr. Chamber's idea to table. He also said if someone buys a lot and believes it is single family residence area, that's what you think you are getting. Therefore it would be bothersome to then have two families on a lot that was originally single family. This impacts street usage, parking, fire service, sewer and water. He is not sure we want to do that.

Mr. Alltucker echoed the same concerns. He supports the idea of diversified and affordable housing, but this has unintended consequences that should be thought through. It will definitely increase the demand on Town services. There is no revenue component, basically just subdividing lots with no way to recover fees. He looked back at the Town survey and the comments were to reduce density, have more open space and reduce parking congestion. This doesn't do that. He thought waiting for the outcome of the General Plan update was prudent. Mr. Alltucker also agreed with Mr. Player's concern. If you bought a single family lot and now your neighbor developed an ADU, this provided him distress from a property owner's point of view.

Mayor Smith said if Councilmembers wanted to table, he needed a motion. Also, tabling the motion meant the Council could bring it up again at any time in the future. He explained the Council had a number of options:

- Put something forward and vote, pass/fail
- Send it back to Planning Commission for further review
- Table it until next month or indefinitely, or after General Plan update; it remains active and alive but nothing done at this time
- Or if no motion, then nothing happens. It essentially dies

Motion made by Mark Chambers to table the ordinance Springdale Town Council for section 10-22-15 revising related sections to make allowances for long term rentals of accessory dwelling units until such time as the next General Plan as been adopted at which point the Council may review; seconded by Adrian Player.

Weyher: Aye

Chambers: Aye

Smith: Aye

Player: Aye

Alltucker: Aye

Motion passed unanimously.

Administrative Non-Action Items

Mr. Weyher had nothing to report.

Mr. Chambers had two points regarding Community Development.

- First, terms for Planning Commissioners were five years and this length of time may be deterring people from stepping up to these roles. He wanted the Council to discuss a three year term on next month's agenda.
- The other point was enforcement. Currently complaints are submitted by written complaint. The Town has made a lot of gains with lighted signs in windows and getting ready for the lighting ordinance. Officers are managing to keep this in check but Mr. Chambers wanted to create an A list of priorities whereby officers don't need to have a written complaint to pursue. He said he would write something up so the topic could be included on next month's meeting agenda.

Mr. Player said the flood last week took the culinary and irrigation systems out of operation for three to four days. There was plenty of water in the reservoir. The Town was not taking water out of the river because the diverter in the Park was under sand and mud. The public utilities people got it cleaned up quickly. They have a system to divert water back into the river so pipes do not become plugged during a flood. Mayor Smith said with concern of other storms, sandbags are ready if needed.

Mr. Alltucker said the Parks crew had finished the logging and landscaping project. They were working now to relocate the utilities to accommodate the Veteran's Memorial slab. They will help set up for the Music Festival. Then they will re-sod picnic area, remove old fireplace and install new BBQs.

Mayor Smith said they had been meeting with the Paiutes and asked for another 30 day extension which was granted. Town will be hosting the Paiute Council this Monday to look at other options. They were all looking to find a win-win situation for everyone rather than a legal battle.

- Mr. Weyher added they had a really good meeting with the whole Tribal Council. He was especially impressed with one of the members Laura who spoke up and got the dialogue moving. Mr. Weyher said Mr. Dansie brought a contact from the USDA who can help with funds. Also Mr. Dansie had a contact with someone from the Trust for Public Lands.
- Mr. Weyher was encouraged the Town could find a place to trade that would be more appropriate and move the Paiutes off the sensitive hill.
- Mayor Smith said he thought the process was going in a good direction.

Mayor Smith said he is still optimistic about fiber optics and transit. The discussions are going well. Everyone involved wants it to happen including Suntran. Only discouragement was that La Verkin has tendency to say it depends on cost. If they don't want to participate that is fine. Rockville is excited although they don't have the funds. Virgin will probably participate. He is also writing UDOT to look at creating more passing lanes up and down the canyon.

Mayor Smith attended a League of Towns meeting and good information came from it. A presentation made by the Clerks Association addressed texting and emails by town officials. Essentially if an email contains Town business it becomes public and is archived forever. Questions were asked about using personal iPads or personal computers to read emails and currently there is uncertainty of the implications of this. Each Councilmember has a Town email address and any discussion about Town business needs to be on this email. No personal communication exchanged through this email. This becomes the record of our communication.

- Mayor Smith said David Church told the group the GRAMA laws would probably not go after personal computers or phones. But if a judge subpoenas your personal phone then it must be relinquished. This was quite disturbing because as a public official does this mean we have less rights? The summation is we need to be careful how we email and text. Choose your words carefully.
- If two or more Councilmembers are in an email chain they shouldn't discuss anything on an agenda.
- Mayor Smith said David Church is the legal counsel and spearheading the battle against our formula restaurant ordinance. He is very knowledgeable.

Mr. Chambers wanted to thank the Planning Commission for all the work they did on the ordinances discussed tonight.

Mayor Smith asked Liz West to take the message to the Planning Commissioners that the Council does understand all the work they do. They do not take their decisions lightly. He appreciates all of them and knows how difficult it is to get people to serve. Ms. West said it is nice to listen and hear different opinions.

Motion to adjourn at Bill Weyher; seconded by Adrian Player.

Alltucker: Aye

Player: Aye

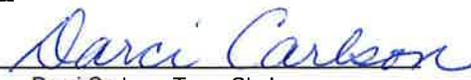
Smith: Aye

Chambers: Aye

Weyher: Aye

Motion passed unanimously.

Transcribed and attested by: _____


Darci Carlson, Town Clerk

Approved by: _____


Stanley J. Smith, Mayor

Date: _____

2.12.15