

# Town of Springdale News

July 2015

## From the Mayor's Desk

Dear Springdale residents, friends, and community members,

The Town Council has made the very difficult decision to settle litigation with Izzy Poco concerning the formula restaurant ordinance, which litigation has spanned five years. This decision has been extremely challenging for the Council on many levels, requiring nearly two years of regular evaluations and deliberations. However, after weighing all factors the Council unanimously feels the settlement is the best among a number of undesirable and disappointing options facing the Town.

Unfortunately, due to the nature of litigation, much of the Council's deliberation on this issue has necessarily occurred during closed sessions of many properly noticed public meetings. Thus, the Council is unable to disclose all of the factors, issues, and considerations that influenced its decision. The Council understands this is frustrating and aggravating for the community. It is similarly frustrating for the Council to not be able to disclose these details. One of the many issues central to the Council's decision centers on insurance coverage. The Council has disclosed that the Town's insurance carrier, the Utah Local Governments Trust (ULGT), informed the Town that it would not renew the Town's insurance policy when it came up for renewal on July 1, 2015 if the Town persisted with the formula restaurant ordinance in place. While the Council cannot disclose specifics regarding insurance coverage or discussions with ULGT, we can provide general information to help community members understand the gravity of the insurance predicament facing the Town.

Utah law requires all municipalities to have insurance and sets minimum coverage amounts for this required insurance based on the size of the municipality. The largest municipalities in Utah may self-insure; and the rest are required to obtain insurance from a third party provider. Without insurance the Town's financial resources (and accordingly its ability to provide services to the community) are put in jeopardy.

Many community members have suggested simply finding a new insurance company if ULGT cancels the Town's insurance. The Town Council has investigated this possibility with the following findings.

1 - ULGT is by far the largest insurer of municipalities in Utah with more than 550 government agencies being insured. ULGT is solely dedicated to serving local governments, and therefore understands the unique insurance situations facing municipalities. It provides the best rates and the most comprehensive coverage for government agencies. It offers the widest array of risk management services to assist local governments. There is no other equivalent, or even semi-equivalent, option for insurance coverage available to local governments in Utah.

2 - The Utah Risk Management Mutual Association (URMMA) is the only other risk management option besides ULGT specifically serving local governments in Utah. It serves a much smaller group of client jurisdictions (19). URMMA is not traditional insurance—it is risk management assistance. Rather than providing insurance payments to its members to cover claims, it provides a five-year no interest loan on claim payouts. Thus, any claims the Town might incur would need to be paid back to URMMA over five years, in addition to the payment of the annual premium. The Council feels this option provides decidedly inferior protection to the Town.

3 - There are private insurance companies that will provide coverage to local governments. However, these companies treat local governments the same as any other client and offer the least attractive combination of rates and coverage. These companies are not able to respond to the unique insurance and risk management needs of local governments. Rather than vigorously defend the Town in litigation and payment of claims (as ULGT does), these companies most often look for reasons to deny coverage on a claim.

Continued on page 2

## Mayor's Desk, Cont.

4 - In making application to any potential new insurance provider (either to URMMA or a private insurer) the Town would need to disclose any threatened or pending litigation. It would also need to disclose any known issues with Town ordinances that could result in litigation. Thus, the Town would need to disclose both the litigation with Izzy Poco and the potential for future challenges to the formula restaurant ordinance. Given these disclosures, the insurance carrier would refuse to insure the Town altogether or treat any claims arising from these disclosures as coverage exclusions under the insurance policy. In either case, the Town would be exposed to the full financial liability of future challenges to the formula restaurant ordinance.

Given all of these findings, the Council has determined the most fiscally responsible decision is to settle the lawsuit, repeal the ordinance, and retain insurance coverage with ULGT. Other options provide inferior protection of Town assets and would expose the Town to great financial risk in the face of future challenges to the formula restaurant ordinance.

As stated earlier, the issue of insurance coverage is not the only factor influencing the Council's decision regarding the formula restaurant ordinance and lawsuit. But it is a major factor. The Council is providing this information to help community members more fully understand the insurance situation. The Council will be able to share other details regarding the decision making process after the Izzy Poco litigation is dismissed by the federal court in a few weeks. If there is community interest, the Council may consider scheduling a public meeting to discuss these factors in more detail.

More information regarding the issues and legal arguments surrounding the lawsuit can be found in legal briefs filed in the federal court litigation (see, e.g., Plaintiff's Motion to Reconsider, filed March 30, 2015). Such documents are all public records.

Thank you for your thoughtful consideration of these points and the trust you have placed in us as your elected community representatives.

Sincerely,

Mayor Stan Smith, on behalf of the Springdale Town Council

## Springdale Night Sky Events Continue!

Only two night sky events remain this summer. Take advantage of the opportunity to learn more about astronomy, star gazing, and the importance of dark night skies. Most events feature a night sky themed presentation followed by astronomer led star gazing. Come experience Zion Canyon's night skies like you never have before. All events are FREE and are held at the Canyon Community Center. Stayed tuned for more information on starting times.



### *Save the dates:*

- ❖ July 22 (Wednesday) - Jim and Helen Hill, Astronomy VIPs - Cedar Breaks National Monument
- ❖ August 11 (Tuesday) – The Dark Rangers, Professional Astronomers and Dark Night Sky Advocates

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## Cardboard Recycling Concerns

Republic Services, one of the haulers of garbage and solid waste in the County, provides a cardboard recycling bin for the residents of the Town. This bin is located by the recycling binnies and enables our residents to recycle cardboard without having to haul it into St. George or to another cardboard location. This is a great benefit that they provide the Town at no cost.



Please do not place cardboard on the ground or leave it lying around loose. This is littering and someone else has to come along and clean it up later, often after the wind has blown it around. If the bin is full, please come back to dispose of your cardboard on another day. We are looking into options for a larger bin, but there will still be times when it is full. Be respectful and encourage others to be so as well. If we don't take care, we may lose this service.



**ZION  
Summer Fest**

**FRIDAY  
July 17 • 2015**



**LIVE PERFORMANCES:**

**RAVEN CAIN  
BRICKWALKER  
CARLIE WALL**

**BEER & WINE GARDEN  
FOAM MACHINES  
INFLATABLES  
KID FRIENDLY ACTIVITIES  
AND MORE!**

**ZION CANYON COMMUNITY CENTER  
\$10 ADMISSION FOR THE WHOLE DAY!  
ACTIVITIES START AT 2PM • MUSIC AT 7PM**



Zion Canyon Community Events Calendar

< 2014	Jan	Feb	Mar	Apr	May	Jun	Jul 2015	Aug	Sep	Oct	Nov	Dec	2016 >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday							
						<p><b>1</b> • 10:00 am -12:00 pm : YAZ Activity: Woven Coaster with Cornelia @ CCC</p> <p>• 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 3:00 pm -4:00 pm : Library Summer Reading Program: "Home Depot Day" @ CCC/Library</p>							
<p><b>5</b> • 10:00 am -11:30 am : Yoga Levels 1 &amp; 2 with Nancy @ CCC</p>	<p><b>6</b> • 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 10:00 am -11:15 am : Energetic Flow Yoga with Melissa @ CCC</p> <p>• 10:00 am -12:00 pm : YAZ Activity: Weaving a Basket Boat with Cornelia @ CCC</p>	<p><b>7</b> • 9:30 am -10:30 am : Laughing Yoga with Lisa @ CCC</p> <p>• 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 2:00 pm -3:00 pm : Library Story Time @ CC/Library</p> <p>• 5:00 pm -7:00 pm : Special Planning Commission Meeting @ Town Hall</p> <p>• 5:30 pm -6:45 pm : Power Yoga with Melissa @ CCC</p> <p>• 7:00 pm -8:00 pm : Gentle Yoga with Melissa</p>	<p><b>8</b> • 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 3:00 pm -4:00 pm : Library Summer Reading Program: "Our Community Heroes: The Fire Department" @ CCC/Library</p> <p>• 5:00 pm -8:00 pm : Town Council Meeting @ Town Hall</p>	<p><b>9</b> • 9:30 am -10:30 am : YAZ Activity Doggy Dude Ranch Tour @ Doggy Dude Ranch</p> <p>• 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 7:00 pm -9:00 pm : Native Plant Society Lecture @ CCC</p>	<p><b>10</b> • 10:00 am -5:00 pm : Z-Arts Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 2:00 pm -4:00 pm : YAZ Activity: Water Games @ Marriott's House</p> <p>• 6:00 pm -8:00 pm : Community Unity Activity @ CCC</p>	<p><b>11</b> • 9:00 am -3:00 pm : Basket Weaving with Cornelia @ CCC</p> <p>• 12:00 pm -5:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p>							
<p><b>12</b> • 10:00 am -11:30 am : Yoga Levels 1 &amp; 2 with Nancy @ CCC</p>	<p><b>13</b> • 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 10:00 am -12:00 pm : YAZ Activity: Mosaic on Terra Cotta Pot with Cornelia @ CCC</p>	<p><b>14</b> • 9:30 am -10:30 am : Laughing Yoga with Lisa @ CCC</p> <p>• 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 2:00 pm -3:00 pm : Library Story Time @ CC/Library</p> <p>• 5:30 pm -6:45 pm : Power Yoga with Melissa @ CCC</p> <p>• 7:00 pm -8:00 pm : Gentle Yoga with Melissa</p>	<p><b>15</b> • 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 3:00 pm -4:00 pm : Library Summer Reading Program: "Max the Magician" @ CCC/Library</p>	<p><b>16</b> • 10:00 am -7:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 10:00 am -11:00 am : YAZ Activity: Cookie Decoration @ Gazebo</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p>	<p><b>17</b> • 10:00 am -5:00 pm : Z-Arts Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p> <p>• 10:00 am -11:00 am : YAZ Activity: Cartoon Drawing @ CCC/Library</p> <p>• 2:00 pm -11:00 pm : Zion Summer Fest @ CCC</p>	<p><b>18</b> • 12:00 pm -5:00 pm : Z-Arts! Gallery Show: Mary Jabens "Landscape Paintings" @ CCC Gallery</p>							
<p><b>19</b></p>	<p><b>20</b> • 2:00 pm -4:00 pm : YAZ Activity: Splash Pad &amp; Pizza @ Hurricane Splash Pad</p>	<p><b>21</b> • 9:30 am -10:30 am : Laughing Yoga with Lisa @ CCC</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 2:00 pm -3:00 pm : Library Story Time @ CC/Library</p> <p>• 5:00 pm -7:00 pm : Planning Commission Meeting @ Town Hall</p> <p>• 5:30 pm -6:45 pm : Power Yoga with Melissa @ CCC</p> <p>• 7:00 pm -8:00 pm : Gentle Yoga with Melissa</p>	<p><b>22</b> • 9:30 am -11:30 am : YAZ Activity: Decorating T-Shirts @ Gazebo</p> <p>• 3:00 pm -4:00 pm : Library Summer Reading Program: "Heroes of the Environment:Nature Crafts" @ CCC/Library</p> <p>• 4:00 pm -5:00 pm : Historic Preservation Society Meeting @ Town Hall</p> <p>• 6:30 pm -8:00 pm : RSPD Meeting @ Town Hall</p> <p>• 8:00 pm -10:00 pm : Night Sky Program: Jim &amp; Helen Hill</p>	<p><b>23</b> • 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 3:00 pm -4:00 pm : YAZ Activity: Cake Decorating Class with Felicia @ CCC</p>	<p><b>24</b></p>	<p><b>25</b> • 5:30 pm -7:00 pm : Z-Arts! Gallery Show Artist Reception: Yidan Guo @ CCC</p>							
<p><b>26</b></p>	<p><b>27</b> • 11:00 am -12:00 pm : YAZ Activity: Bracelet Making with Kay @ CCC</p>	<p><b>28</b> • 9:30 am -10:30 am : Laughing Yoga with Lisa @ CCC</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p> <p>• 2:00 pm -3:00 pm : Library Story Time @ CC/Library</p> <p>• 5:30 pm -6:45 pm : Power Yoga with Melissa @ CCC</p> <p>• 7:00 pm -8:00 pm : Gentle Yoga with Melissa</p>	<p><b>29</b> • 3:00 pm -4:00 pm : YAZ Activity: Hula Hoop Making with Brooke @ CCC</p>	<p><b>30</b> • 11:00 am -12:00 pm : YAZ Activity: Tea Party @ West's House</p> <p>• 12:00 pm -2:00 pm : Senior Lunch and Activities @ CCC</p>	<p><b>31</b> • 10:00 am -11:00 am : YAZ Activity: Cartoon Drawing @ CCC/Library</p> <p>• 7:30 pm -9:30 pm : Z-Arts! Classical Guitar Performance @ CCC</p>								

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