



**MINUTES OF THE SPRINGDALE TOWN COUNCIL SPECIAL MEETING  
WEDNESDAY, JULY 6, 2021**

**This Council meeting did not have an anchor location. In accordance with Utah Code Section 52-4-207(5)(a)(i), the Chair of the public body has determined ongoing cleanup efforts at the Canyon Community Center caused by flood and debris flows on June 29, 2021 prevent the Town Council from conducting this meeting at the anchor location.**

**Council members connected remotely. The meeting was available to the public for live viewing/listening via a Zoom link.**

The Special Meeting convened at 11:00am

**MEMBERS PRESENT:** Mayor Stanley J. Smith, Council members Adrian Player, Randy Aton, Lisa Zumpft, and Suzanne Elger

**ALSO PRESENT:** Town Manager Rick Wixom, Director of Community Development Tom Dansie, Code Enforcement Officer Jeff McKee, and Town Clerk Darci Carlson recording.

**Approval of the agenda**

**Motion made by Lisa Zumpft to approve the July 6, 2021 agenda. Seconded by Randy Aton.**

**Aton: Aye**

**Player:** (technical issues prevented Adrian Player from voting on the agenda approval)

**Zumpft: Aye**

**Elger: Aye**

**Smith: Aye**

**Motion passed.**

**A. Discussion/Information/Non-Action Items**

**1. General Discussion and Announcements** – Ms. Carlson announced “Meet the Candidates Night” would be held Thursday evening starting at 6:30pm at the Canyon Community Center. This event would focus on the mayoral candidates.

**B. Administrative Action Items**

**1. Consideration of an appeal request from Kurtis D. Wilson on the denial of a business license renewal for Ride Zion eBike Rentals located at 107 Trapper Circle, Unit D – Kurt Wilson:** The business license renewal process recently concluded. Licenses expired June 30<sup>th</sup> and new licenses took effect July 1<sup>st</sup>. Kurt Wilson applied for a business license renewal; however, under Code Section 3-1-12(2), the Town had the right to deny the request due to land use violations.

Mr. Wilson had a home-based business license and specific violations pertained to the home occupation permit standards in section 10-22-9 of Town Code. In particular, the applicant had been given notice of violations for standards 10-22-9(E)(1) and 10-22-9(E)(11).

Kurt Wilson was in attendance to address the Council as he was respectfully appealing the recommendation to deny his business license renewal. He provided a brief platform and stated that

rather than request a full reinstatement, he wanted permission to honor their existing bookings through August 5<sup>th</sup>.

Although he did not dispute the factual nature of the violations, Mr. Wilson wanted to clear the air in regard to the context, the circumstances, and the intent. Mr. Wilson indicated that after a visit from the Code Enforcement Officer, his definition of a 'customer visit' was inaccurate. Upon receiving the citation, Mr. Wilson explained they scaled back the bookings to comply. At this point, rather than appeal the citation Mr. Wilson requested an interpretation of the ordinance clause by the Council.

The item was scheduled on the May 12<sup>th</sup> agenda; however, Mr. Wilson was not aware the issue would be addressed by the Council at that time. He felt the staff summary did not accurately reflect his intent. In addition, the public comment submitted was emotionally charged. Therefore, Mr. Wilson asked the agenda item be pulled.

Mr. Wilson explained the circumstances surrounding the second violation pertaining to leaving e-bikes outside uncovered on a patio.

Two neighbors spoke on behalf of Mr. Wilson. Lyn Schwerman indicated the e-bike operation never affected her. She had written a letter to the Council supporting Mr. Wilson's business.

Alice and Greg felt the same as Ms. Schwerman. They had lived directly next door to Mr. Wilson and said he was always respectful for the neighbors. Once the footprint of the business was pulled back, Greg said traffic was much reduced. Both Alice and Greg expressed support for Mr. Wilson's business.

Mr. Wilson did not dispute the violations but indicated he was not willfully negligent or egregious. He asked the Council to honor his existing bookings through August 5<sup>th</sup> and have a clean record for the future that would not impede a future application for a business in the commercial zone.

Mayor Smith said the concept behind a home occupation permit was to allow a person to conduct business in a home without a lot of impact. He explained the Town did not have a provision to extend a business license. The job of the Council was to uphold ordinances and consider the impact to everyone. Although some neighbors had no issue with the business, others said it was a nuisance, so a balance was the goal.

Regarding the home-based business discussion, Mr. Aton said it was meant to accommodate artists or craftspeople, not the operation of a retail business in a residential area. Rental of items for the general public was never a consideration. Mr. Aton was not in favor of renewing the permit despite Mr. Wilson's willingness to cut back on the number of customer visits. He reiterated this type of business was not the intent when the ordinance was created.

Ms. Elger agreed this type of home-based business had not been seen before. Mr. Wilson was unable to comply with the conditions of the permit and therefore she supported denial.

Mr. Player emphasized limits on home occupation permits were to ensure peace, quiet and privacy in residential neighborhoods. He could not support the continuation of this type of business.

Ms. Zumpft generally agreed. She asked if Mr. Wilson could reapply for another business license.

- Ms. Carlson indicated a denial of this renewal would not prevent Mr. Wilson for applying for another business license. It was discussed however, that language in code section 3-1-12(A)(2) would need further clarification as it relates to a future request.
- Mr. Dansie added the Planning Commission intended to review home occupation permit standards and changes were likely.

Ms. Zumpft based her support for denial in part on a self-fulling hardship. She said Mr. Wilson was aware of the conditions, and although he tried to correct them, had received two violations. The Council owed respect to other businesses in Town by not allowing an exception.

Mayor Smith reiterated an extension was not an option. The business license could either be reinstated or denied.

**Motion made by Lisa Zumpft to deny the renewal of the business license application for Kurtis Wilson and Ride Zion e-Bike Rentals located at 107 Trapper Circle, Unit D based on the following findings: 1) The applicant is in violation of 3-1-12(A)(2) that states 'within the previous ten (10) years has violated the law of the State, the United States government, the ordinances of the Town, or the rules and regulations of any Town or Utah State agency governing the operation of the relevant business subject to the license'; 2) Applicant has been noncompliant with 10-22-9(E) and issued notice of violation for too many customer visits based on 10-22-9(E)(11) and for storage of equipment associated with the business as stated in 10-22-9(E)(1); 3) 10-22-9(E)(2) states that 'home occupation shall in no way alter the residential character of the structure or the premises or unreasonably disturb the peace and quiet'. Seconded by Adrian Player.**

**Aton: Aye**

**Player: Aye**

**Zumpft: Aye**

**Elger: Aye**

**Smith: Aye**

**Motion passed unanimously.**

The denial of the business license was upheld.

**Adjourn**

**Motion to adjourn at 11:53pm made by Lisa Zumpft. Seconded by Randy Aton.**

**Aton: Aye**

**Player: Aye**

**Zumpft: Aye**

**Elger: Aye**

**Smith: Aye**

**Motion passed unanimously.**



Darci Carlson, Town Clerk

APPROVAL: 

DATE: 9/8/21

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](mailto:springdale@springdale.utah.gov) for more information.





PO Box 187 118 Lion Blvd Springdale UT 84767

## REMOTE MEETING ATTENDANCE RECORD

### Meeting: Town Council Regular Meeting 07/06/2021

Kurt Wilson

Lyn Scherman

Alice and Greg