

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, September 27, 2017
6:30 pm
114 So. Mill Street, Virgin, Utah**

Present:

Council Members: Mayor, Bruce Densley
Jean Krause
Jay Lee
Matthew Spendlove
Dan Snyder

Others: Monica Bowcutt, Town Clerk
Linda Collet
Darcey Spendlove
Scott Henstrom
Linda Hansen-Ensign Engineering
Cameron Spendlove
Robin Clark
John Ely
Randi Noffsinger
Garen Brecke-ZCPD Police Chief
Bonnie Timmerman
Heath Snow-Town Attorney
Stewart Ferber
Barbara Henstrom
Curtis Neilson-Ensign Engineering
Sean Amodt
Karen Noffsinger
Niles Ritter
Lisa DeBichos
Karl Rasmussen

A. Work Meeting

7:00 pm

**a. Discussion of DRAFT ORDINANCE # 2017-5 AN ORDINANCE EXPRESSLY
DEFINING AND PROHIBITING CAMPING IN ANY ZONE WITHIN THE MUNICIPAL
BOUNDARIES OF THE TOWN EXCEPT IN APPROVED AND LEGAL NON-CONFORMING
CAMPGROUNDS.**

Mayor Densley stated that the BLM acknowledged that the town should have some say on what happened inside the town boundaries. He stated that to have 44 camps within the town limits without sanitary equipment was not acceptable. Jay Lee suggested that the Town work with the BLM in order to achieve the desired effect, but they did have a new director. Mayor Densley stated that the BLM would like to set up primitive campgrounds near the BMX track, but the Town could not because of the referendum. Matt Spendlove stated that it was public land and paid for by the taxpayers, so they should be able to use it. He felt that even if there were campgrounds, there would still be a mess to deal with. Mayor Densley suggested maybe allowing day-use only. Dan Snyder and Attorney Snow agreed that the Town needed something on the books which could be sited in order to enforce no camping. Attorney Snow stated that that the catch all phrase 'if it's not permitted, then it's not allowed' does not hold up in court. Jean Krause stated that the Council was wasting their time because the P & Z did not work on the ordinance when they were supposed too. Jay Lee suggested that on page 1, the whereas was overstated which said 'an enormous amount of complaints'. He also was

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concerned about page 2 where it stated 'mobile homes' because it may be misleading. Council Member Lee felt 'mobile homes' should be deleted. Mayor Densley stated the ordinance needed to be discussed and then direction given to the P & Z. A public hearing was also needed.

* Jay Lee reported that a fence was needed between the Engles and the BMX Track. The materials had already been donated and the BMX people would be putting it up, but the cattle guard needed to be moved for the fence to do any good. He also asked for volunteers to help with fence building. Mayor Densley stated that when the new Kolob Road had gone in, the landowners had not wanted the cattle guard moved. Mayor Densley asked Town Clerk, Monica Bowcutt, to check with Chris Holm about the issue.

The Council took a five minute recess.

B. REGULAR MEETING:

7:00 pm

1. Call to Order- Mayor, Bruce Densley

Mayor Densley called the meeting to order at 7:00 pm.

2. Invocation/Pledge of Allegiance

Jay Lee gave the invocation. Matt Spendlove led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

No conflicts were declared.

4. Open Forum: Limit 2 minutes per speaker

* Scott Henstrum, from Desert Gardens, stated that he had counted 50 camps on Sheep Bridge Road over the weekend. He then stated that it was not a matter of when, but how soon the problem would be addressed. He suggested that all entities work together to solved the problem before it worsened. He felt that the campers were going to add a crime element to the town.

* John Ely stated that he agreed with Mr. Henstrum, additionally, another concern he had was the sanitation problem. He felt that even with a campground of some sort, someone was going to have to clean up the mess. Mr. Ely stated that fire was another of his big concerns.

* Stu Ferber asked if anyone had questions about the hotel construction. He stated that he would answer questions any day and any time. Mr. Ferber addressed camping in town limits, stating that if it was free, they would come. He supported the Zion Canyon Police Department and felt they would help with the camping issue.

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* Cameron Spendlove stated that he understood the issues with camping, but did not feel pushing the campers 200 yards away from town would solve the problem.

* Barbara Henstrum stated that people did not bring their own sanitation equipment, making it a problem for the river. She stated she was worried about her drinking water.

5. Mayor Comments & Updates

* Mayor Densley thanked Jean Krause for her hard work on the Smithsonian display. The last day would be November 4.

* The Pocketville Park breach was almost fixed. The downed trees would be used as firewood for the widows in town.

* The new welcome sign was almost done.

6. CONSENT AGENDA: Possible Approval of Item 7 & 8

7. August 2017 Checks and Invoices

8. July 26, 2017 and August 23, 2017 Draft Minutes

Jay Lee pointed out that in the August 23 minutes, it stated that Jean Krause lived in Rio de Sion, which was not true. Her home was located outside of the subdivision. Jean Krause stated that the issue was still being sorted out and had not been determined for sure.

Jean Krause moved approve the August 2017 Checks and Invoices, July 26, 2017, and August 23, 2017 draft minutes. Matt Spendlove gave the second. No roll call vote. The motion passed unanimously.

Jean Krause stated that she would email her changes to Darcey Spendlove.

9. Recognizing Brandon Low for his Scholarship from Stevens-Henager College.

Mayor Densley recognized Brandon Low, a citizen of Virgin Town, for receiving the \$25,000 scholarship from Stevens-Henager College.

10. Police Protection-Zion Canyon Police Department (Garren Brecke and Rick Wixom) for question and answer period.

Mayor Densley introduced Garren Breck from the Zion Canyon Police Department. Chief Breck stated that he ran an 8 member department and a full time administrative assistant. The department worked 24 hours a day and 7 days a week. He stated that for fiscal year 2017, 491 incidents, 87 arrests and 799 citations had been recorded from Virgin alone. The

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department was paid by Virgin Town on a stat based payment plan. Virgin had paid a little over \$39,000 the last fiscal year. Chief Breck explained that it took a lot of fees to run a police department and they operated on a 1.3 million dollar budget. The revenue from last fiscal year was \$28,000. The department spent 40% of their time in Virgin or 16 hours a day. He then assured everyone that Virgin was a very safe place to live, but the crime the department deterred could not be measured. He denied that the department dumped cases onto the County so that they did not have to pay the prosecutor. He stated that accusation was false. Chief Breck stated that it cost about \$90,000 to have a police officer on the street, which did not include the vehicle or equipment. He stated that the County was a very good department, but was spread out and were not required by law to patrol the town.

Comments and discussion with the public included: the ZCPD was dispatched out of St. George through 911; the highway was not safe; how much the town paid the department depended on how much time the department spent here; an incident was any response except a traffic stop; an arrest could be anything like drugs, family fights, assaults, or fugitives; the sheriff office was reactive while the ZCPD was proactive; sheriff would devote only 1 hour and 10 minutes a day to Virgin; ZCPD spends 16 hours a day in Virgin; events like Red Bull cost the private company extra money; appears the reports are being padded because tickets/arrests are being entered in as double; reports of the ZCPD unnecessarily stopping suspicious looking people; response time is normally 10 minutes; the amount ZCPD will charge was needed before a decision could be made; response time depends on what the officers were doing for the ZCPD and Sheriff; town may be looking to the police department to do more code enforcement; town had taken the ZCPD for granted; police are regulated by legislation on what kind of code enforcement they may do.

Karl Rasmussen was not present, so the Council moved to item number 13.

13. Ensign Engineering Staff-Project Updates-Kolob Road Project-General Plan.

Ensign Engineering Staff Linda Hansen and Curtis Nielson were present to update the Council on the Kolob Road and the General Plan. Ms. Hansen stated that the notes from the public open house held in April had been compiled to share however the Council designated. She also reported that the notes were being compiled with the current general plan. She was working on scheduling another open house. The grant funding for the general plan had been put on hold so that the culvert on Kolob Road could be repaired, but would be applied for in January. Mayor Densley stated that Rod Mills should have gotten those notes to the Council several months ago. Ms. Hansen asked if the 2016 survey should be used or if a new survey should be completed. No answer was given

Curtis Nielson reported that the town had received a \$142,000 grant to repair the Kolob Road

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culvert issue, with the town supplying \$10,105. Schmidt Construction had come in as the low bid to do the repairs. The bid was a little higher than the budget afforded, but Mr. Nielson would be sitting down with Schmidt to get the cost lowered. Construction was supposed to begin in 30 days. The Council would be holding a special meeting in order to approve the bid.

Karl Rasmussen had arrived at the meeting, so the Council moved back to items 11 and 12.

11. Karl Rasmussen-Zion River Resort sewer leech field replacement.

Karl Rasmussen reported that the RV Park had began the process and the new septic would be located across North Creek. The Resort would like to add some amenities. The details of the leech field was discussed. There were two separate tax id parcels. Attorney Heath Snow agreed that the recorded easement would be fine and there was no need to merge the parcels together. The State would be permitting the replacement.

12. Karl Rasmussen-Presentation of Easy Treat Alternative Waste-Water System.

Karl Rasmussen stated he represented a company called Easy Treat, which used synthetic sand and gravity. The new septic system was for individual homes and removed 60%-70% of total nitrates. This new product had been approved by the State of Utah. The cost was about \$7,500 more than a standard septic system, but was more efficient in nitrate removal.

14. Review and Possible approval of Ordinance # 2017-5 PROHIBITING CAMPING.

Attorney Snow stated that it needed to be tabled, then sent back to P & Z to hold a public hearing and more work be done on the ordinance. It could then be recommended to the Council.

Dan Snyder moved to table Ordinance #2017-5 Prohibiting Camping and have it go back to Planning and Zoning for a public hearing and a recommendation. Jean Krause gave the second. No roll call vote was taken. The motion passed unanimously.

15. CLOSE the PUBLIC MEETING and enter into a CLOSED SESSION-re: Police Protection.

* Jay Lee asked if businesses could advertise on the Welcome Sign. Mayor Densley replied that UDOT did not allow that.

* The Council agreed to hold a special meeting to ratify the development agreement (dealing with Rio de Sion) between the Town and the credit union.

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Jay Lee moved to close the public meeting and open the closed session to discuss possible terms of collective bargaining agreement or contract negotiations with the Sheriffs Department and/or the Springdale police. Jean Krause gave the second. No roll call vote. The motion passed unanimously.

The public meeting closed at 8:20 p.m.

The closed meeting began at 8:25 p.m.

16. CLOSE the CLOSED SESSION and OPEN the PUBLIC MEETING.

Matt Spendlove moved to close the executive session. Dan Snyder gave the second. No roll call vote. The motion was unanimously approved.

The closed session adjourned at 8:47 p.m.

C. ADJOURN PUBLIC MEETING:

17. Approve Motion to Adjourn Public Meeting

Mayor Densley adjourned the public meeting.

The Meeting adjourned at 8:50 pm.

Monica Bowcutt
Town Clerk

Approved:_____