

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, October 25, 2017
6:30 pm
114 So. Mill Street, Virgin, Utah**

Present:

Council Members: Mayor, Bruce Densley
Matthew Spendlove
Dan Snyder

Council Members Jean Krause and Jay Lee were excused.

Others: Monica Bowcutt, Town Clerk
Heath Snow-Town Attorney
Bonnie Timmerman
George Rodinos
Sean Amodt
Nick and Kim Phillips
Kevin Stout
Chuck Matsler
Rod Mills

A. Work Meeting/Non Action Items 6:30 pm

a. Discussion of Police Coverage Surveys

Mayor Densley reported on the police coverage survey which had been sent out with the water bills. 52 surveys had been returned. The results were as follows: 38 wanted to remain with Zion Canyon Department and 13 go with the Sheriff; 33 were willing to spend the same amount of money or more and 13 wanted to spend less money; 9 wanted more speed control, 27 the same, 3 less speed control and 6 wanted nothing; and 15 wanted to be proactive and 7 wanted to be reactive. The Mayor wished to have the contract in place by the end of the year, so he would begin working with Springdale. Matt Spendlove stated that the survey did not give a consensus of how the entire town felt, rather how 52 people felt.

Bonnie Timmerman felt the survey was hard to answer.

* Mayor Densley reported meeting with the new BLM manager to discuss the camping issue on Sheep Bridge Road. They had looked at a map where the BLM had been asking people to camp more towards Highway 59. The BLM had expressed the desire to put in some primitive camp grounds, however, Virgin would be expected to help police them. The BLM was also very interested in having a camp ground near the BMX track. They were aware of the little camp house that was moved around and had issued a permit to the owners to camp in certain areas. Mayor Densley had told the BLM that the town had ordinances in place which did not allow short term rentals, so the little house would not be allowed in town limits. The BLM would be presenting their thoughts and ideas during the November Town Council meeting.

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b. Discussion of living in RV's while building your home

Mayor Densley reported that there had been some complaints made about people living in RV's while building their homes. Several of these places were discussed, along with the current ordinance, which allowed the use with a permit. The CC&R's in Desert Gardens did not allow the use.

* Dan Snyder stated that Chris Holm had expressed concern about the partitions of land being made, mainly with the non-payment of impact fees. He felt it could leave the town in a position where they would have to pay the impact fees when the property owner should be the one paying. Attorney Heath Snow explained that presently the town did not define a partition of two properties by deed as a subdivision of land. The town had explained to K & K that a division of land waiver was a not a subdivision, but triggered a different set of regulations. Monica Bowcutt reported that one buyer was very surprised to find out he owed that much money to the WCWCD. Attorney Snow explained that normally when the builder pulled the building permit was when the majority of the impact fees became due, however, when a partition was recorded the \$2525 should be paid to the town. Monica Bowcutt reported that it had not been paid by K & K on any partition.

* Mayor Densley reported that Red Bull Rampage was in town. KSL was doing a story on Virgin Town. The segments were on the Old Church, Zion Fort, and the BMX Track and would be airing Friday morning.

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

Bruce Densley 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

* George Rodinos stated that the town had some elections coming up and he wished to make two points. First, a little about common sense and second, unity. He explained that the City of Glendale in California had outlawed smoking in city limits. They even had a phone number citizens were encouraged to call if they saw someone smoking in city limits. The police would then go take care of the problem, which was a fine of about \$150. Mr. Rodinos

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felt that this was a perfect example of misuse of power and went outside common sense. He felt it took away the rights of most people and decisions like that did not fall to the people in city hall. As another example, San Francisco had an ordinance that stated only vehicles were allowed in garages. Mr. Rodinos asked what kind of common sense was behind those types of ordinances. He felt they were both outside of common sense. He asked that the people who were elected in November have more common sense coming up with ordinances than those two extreme examples. He felt the townspeople may find them very objectionable. He stated that those examples both showed how citizens could be dealt with unjustly. On the subject of unity, Mr. Rodinos stated that some may not know that Dallen Spendlove, when he was a youngster, and his family were featured in Life Magazine. The article was on poverty and how families and areas were surviving their plight. Mr. Rodinos stated that it was amazing to see how a couple of generations later, the community had been able to overcome whatever shortcomings they had back then. The townspeople were poor in those days. It also amazed him to see the prosperity of those same families, who had pulled themselves up from their boot strings and made a good life for their children. Mr. Rodinos stated that all this had to do with unity. Many people now lived in Virgin who did not grow up here and with generations behind them. He felt the definition of unity had to be a point where people united. In Mr. Rodinos's opinion that unity should come from the people who had come from the outside who were now voters here. The newcomers should embrace the people who had been here for generations and who had made it to where they were today. There had to be a great deal of respect for these people who had lived here for generations and all people should unite around the original community. There had been a lot of wisdom with this community over the last decades, otherwise, they would have disappeared. Mr. Rodinos stated he would like to see unity and less of the bickering that had already risen. He stated that all citizens are ladies and gentlemen, not boys or little girls. The mutual respect that needed to be shown should start as soon as possible. He hoped to see some common sense from the new people coming into office. He hoped to see some unity around the people who had obviously progressed and made success in their soil and in their community.

5. Mayor Comments & Updates

* Mayor Densley stated that the Washington County Commission consisted of three people who made all the important decisions. In fact, it only took two votes to pass something. He hoped that in the future the Commission would go to a five member board, so that it took three votes to make decisions.

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

7. September 2017 Checks and Invoices

8. September 5, 2017 Special TC Meeting Draft Minutes and September 27, 2017 Draft Minutes

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Matt Spendlove stated he had not been present for the special meeting.

***Dan Snyder moved approve item numbers 7 and 8.
Bruce Densley gave the second. No roll call vote.
Matt Spendlove abstained. The motion passed 2-1.***

9. Discuss & possibly approve Nick and Kim Phillips request for a permit to live in RV while their house is under construction.

Mayor Densley introduced Nick and Kim Phillips who were requesting a permit to live in an RV while their house was under construction. Attorney Snow stated that all that was needed was a motion to authorize Chris Holm, Zoning Administrator, to approve the permit. The Council could authorize the permit approval, not just the Planning and Zoning. The Phillips stated that they only had about a month left until the home was finished. The RV was located fully on their property and the only connections were power and water to the RV.

***Bruce Densley moved to recommend Chris Holm issue the permit located in 13.5.2 in the code.
The permit would be good until December 31, 2017,
at which time the Phillips could reapply. Dan Snyder gave the second. No roll call vote.
The motion passed unanimously.***

10. Discuss and possible approve Kevin Kerlin's Development Agreement.

The Council discussed the development agreement for Kevin Kerlin. Mr. Kerlin was unable to attend the meeting, but he had emailed his comments to the Clerk. The length of mobile homes and the number of pads were discussed. Attorney Snow stated that he had taken Mr. Kerlin's changes and made a clean document, however, he had left the pads at 11 instead of 12.

Matt Spendlove moved to table number 10, Kevin Kerlin Development Agreement, until the November meeting. Dan Snyder gave the second. No roll call vote. The motion passed unanimously.

11. Discuss and possibly approve K&K request for 2 more partitions on K&K Property.

Chuck Matsler stated that K & K were trying to do a little house keeping by separating the lots off that were not located near the mother parcel. Kevin Stout reported that they were working

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with the WCWCD to do a lot line adjustment on one parcel. Both parcels were discussed and located on maps. One was located by the old dump and the other was on 775 West, near Andy Anderson and Tom LaCosse.

Heath Snow explained how partitions and divisions of land differed and what was required for both. He explained how the WCWCD fees played into the partitions and that it was K & K's responsibility to pay them. Kevin Stout stated that he had met with the WCWCD who did not understand the town's policy. Attorney Snow explained that a promissory note was not allowed by Virgin code. The fees must be paid when the division was recorded. Monica Bowcutt clarified that the water and access fees should be paid also, if applicable to the lots. K & K stated that their intent was a division of land waiver, but no final decisions had been made.

Bruce Densley moved to approve the partition of land pursuant to VULU section 9.1.3.a.v for those parcels that are highlighted in exhibit A which is part of formal parcel number b-2139-a and that portion that is highlighted in exhibit B which is a portion of parcel number v-2-1-21-2001 and authorize the applicant to record the deed effectuating said parcels. Matt Spendlove gave the second. No roll call vote. The motion passed unanimously.

12. Ensign-Updates

Rod Mills stated that the water rights had lapsed associated with the Coal Pits property, so he was in negotiations with the Division of Water Rights in Cedar City. They had agreed to make application to get the rights renewed. They may choose to change the priority date.

Mr. Mills then reported that a draft had been completed that incorporated generic information like population and demographics for the General Plan. Attorney Snow asked that Mr. Mills propose several open house dates for the P & Z, in order to give them some direction to take.

The Kolob Road culvert project had began. The actual culvert was under construction, but a completion date had not been given. The contract stated they had 90 days to complete from start to finish. Attorney Snow suggested that, at the least, a delivery date be given for the culvert. Mayor Densley asked Rod Mills to light a fire under the construction company to get the project completed.

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Mr. Mills then reported that the Virgin Acres development had been paved. He felt the specifications the town was using were out of date and he offered to draft paperwork (APWA statewide standards along with supplemental standards for the town) that would be more usable. The updated specs would be for roads, grading, paving concrete, etc. Attorney Snow suggested that Mr. Mills look at the County's Specs so that as much uniformity as possible be achieved.

Mr. Mills then talked about the Mesa Road funding for recreational grant money, which did not make the final list. However, he had been notified that the Mesa Road be put back on the list because it would be an extension of the proposed paved Sheep Bridge Road. It was estimated that 10 million dollars would be coming to the county to help with these recreational upgrades.

Mr. Mills reported that John Ely had been trying to get a new drainage installed to fix the problem in his yard. After a lot of time and personal money, UDOT had changed their mind and told him, Rod Mills, they were not going to approve the plan. They had asked that a plan B be put together instead. UDOT had agreed to a meeting about the issue, which John would phone conference into. Mr. Mills explained the situation and how John Ely's engineer had proposed to fix the problem. He, Rod Mills, would continue to work with UDOT.

Council Comments:

C. ADJOURN PUBLIC MEETING:

13. Approve Motion to Adjourn Public Meeting

Mayor Densley adjourned the public meeting.

The Meeting adjourned at 7:23 pm.

Monica Bowcutt
Town Clerk

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Approved: _____