

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

Present:

Council Members: Mayor, Matthew Spendlove
Jay Lee
Dan Snyder
Kevin Stout
LeRoy Thompson

Others:

Monica Bowcutt-Town Clerk	
Mistie Baird-Deputy Town Clerk	
Heath Snow-Attorney	Rod Mills-Engineer
Darcey Spendlove	Jean Krause
Niles Ritter	Duztin Sorensen
Dina Moore	Dave Buckingham
Bonnie Timmerman	Lori Rose
Linda Collet	Lesa Sandberg
Sean Amodt	Allen B. Lee
Kent Peterson	Carolyn Matsler
Chuck Matsler	Cameron Spendlove
A. Wenzel	J. Kunze
D. Kunze	

A. Work Meeting/Non Action Items:

Mayor Spendlove stated that Attorney Snow needed to be present to discuss items a and b. The Council began the meeting with item c and continued in the order listed.

c. Discussion of 1.2 Million Dollar Loan.

Mayor Spendlove explained that a 1.2 million dollar loan had already been approved for the new water tank, infrastructure, and electric read meters. He reported that Candus Tibbits, town accountant, had stated that the town did not have the funds to make a \$40,000 payment, at least for this budget year, even at 30 years with 0%. Rod Mills, town engineer, thought that the loan was a 20 year at 0%. He also felt that if the town did not accept the money, the State Drinking Water Board would look down on the town for not accepting something they had applied for. The Council asked Mr. Mills to informally ask the drinking water board director if they would hold the money for approximately 6 months, and then report back to the Council.

d. Discussion of Alternates for P & Z.

Mayor Matt Spendlove reported that Staci Kroff had stepped down as an P & Z alternate. This meant that the commission did not currently have any alternates. The Council agreed that

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

two alternates were needed.

e. Discussion of Flags on SR9 between 100 W and 170 E.

Mayor Spendlove stated that the local Girls Scout Troop had asked about installing flag holders and flags on SR-9 between 100 West and 170 East. The flags would be displayed on holidays. The troop would use the project as a service project. The Council felt it would be a good thing, but that UDOT needed to be involved because of their right of way.

f. Discussion of ATV Tours in Virgin.

Jack Ruggles explained to the Council that he had been receiving a lot of requests for ATV rentals. He felt that he could add this type of rentals/guided tours to his business. He explained how he planned to keep the people and landscape safe. Mr. Ruggles had a shop/building that was available to maintain the vehicles. Mayor Spendlove stated that the ordinances currently prohibited the use and that the property was currently zoned commercial. The Council felt that P & Z should look at the issue and the current ordinances.

g. Water report-Kevin Stout.

Kevin Stout had been researching the town's contract with the Washington County Water Conservancy District. He read from page 10 of the contract, understanding it to mean that the town could adjust for greater density if a study proved groundwater would not be effected.

Attorney Heath Snow entered the meeting. He stated that the County and/or state was the authority that approved septic systems and sewers. Rod Mills explained that there was no study that defined the septic density from the perspective of contaminants and nutrients into the Virgin River.

Jean Krause stated she had spoken to Barbara at the WCWCD, who told her the 'ground water study' that this section of the contract was referring to was specific to each project. Jay Lee stated that Jones and Demille had completed a waste water study which found that the town could have 1,000 hooks-ups without having any adverse effect on the river. Heath Snow felt the problem was that the town purchased water from the WCWCD, who said that the town could not approved septic densities greater than what the WCWCD study said. He had always understood the section on page 10 to mean that unless the town could produce a study that allowed for greater density that would not over saturate the area and hurt the groundwater. He did not realize the section was referring to individual projects. Jean Krause stated that the section was referring to planned unit developments and RV parks. Heath Snow stated that the town could reach out to the WCWCD to amend the contract if they felt it was needed.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, February 28, 2018

6:30 pm

114 So. Mill Street, Virgin, Utah

Kevin Stout then reported that the contract allowed the town 1,000 water hook-ups. Chris Holm, maintenance supervisor, had estimated that the town currently had around 400-500 hook-ups, which included the new motel.

h. Conservation Easement-Lori Rose.

Lori Rose told the Council about a conservation easement project that involved 419 acres located south of Falls Park and on down to the conversion dam. The property owners were previously going to develop 275 homes, but after research, decided the land was better suited for conservation. They had approached the non-profit group, Virgin River Land Preservation, and now there was a purchase agreement in place. The anticipated long term use of the property would be developed into non-motorized trail systems and trail heads to protect the river corridor. She wondered if the town would like to get involved in the process, because the Land Preservation did not want to be the permanent owners. Ms. Rose stated there was much to talk about and she would continue to communicate with the town on the issue.

i. Discuss Attorney fees regarding Rio de Sion Sub-Division.

Heath Snow explained that the town had waived around \$5,500 of fees for the bank owned Rio de Sion. Monica Bowcutt, stated that around \$3,500 had been billed since that meeting. Attorney Snow stated that the fee schedule required that all profession fees be paid by the 'developer', however, the town had reached a settlement agreement which may state something different. Mr. Snow was going to review the contract and get back to the town with an answer to the question of waiving the new fees.

a. Discussion of new Appeal Authority & Prosecutor.

Attorney Snow reported that he had spoken to the Deputy County Attorney over the criminal division about providing occasional prosecutorial services for the town. He would be used if the town needed to site someone for town ordinance violations. Attorney Snow stated that 3 or 4 of these prosecutors had voiced interest, but had not submitted résumés yet.

Attorney Snow reviewed the history of the Board of Adjustment and how this had been changed to an Appeal Authority. Virgin Town had amended Chapter 3 to allow a single member appeal authority and had hired Gary Kuhlman. Mr. Kuhlman had recently passed away, therefore, Virgin needed to find another to act as the appeal authority. One attorney had expressed interest in the job, but perhaps he was out of the towns budget. Mayor Spendlove asked Attorney Snow to continue to work on these issues.

b. Discussion of waiver of fees for service hours.

The Council did not discuss this issue.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

B. REGULAR MEETING:

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove began the meeting at 7:07 pm.

2. Invocation/Pledge of Allegiance

LeRoy Thompson gave the invocation. Jay Lee led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

Kevin Stout declared a conflict of interest with item 22, a zone change application for the K&K family. Matt Spendlove declared a conflict of interest with item 23, a zone change application for the Duane Munn property because he farmed the Munn ground.

Consent Agenda:

4. Possible Approval of Items 5 and 6.

5. January Checks and Invoices.

6. January 24, 2018 Town Council Meeting Draft Minutes.

Dan Snyder moved to approve the consent agenda, items 5 & 6. Kevin Stout gave the second. No roll call vote was taken. The motion passed unanimously.

7. Motion to CLOSE Public Meeting and OPEN Public Hearing.

Kevin Stout moved to close the public meeting and open the public hearing. LeRoy Thompson gave the second. No roll call was taken. The motion passed unanimously.

C. PUBLIC HEARING: Accepting Public Input on obtaining General Plan Funding and the Virgin Town Business License Ordinance.

Rod Mills, town engineer, explained that the town was in the process of making application to the Community Impact Board (CIB) for matching funds associated with preparing the General Plan. At this point the application is for a grant to match the \$20,000 the town has already put forth and the application is pending subject to this hearing and going forward with the application and receiving approval. The town would like to hear from anyone who had comments related to the towns interest in moving forward and receiving money from the CIB for that purpose.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING WEDNESDAY, February 28, 2018 6:30 pm 114 So. Mill Street, Virgin, Utah

Mayor Matt Spendlove explained that the town had held a public hearing six or eight months ago on the same application, but was being asked to hold another one.

No other comments were given on the application.

Attorney Heath Snow explained that previously the town did not have a comprehensive ordinance for business licensing, although there were a couple of provisions found in three different places. Because of some situations that had come up Mr. Snow and town staff felt the town needed to have a comprehensive business license ordinance, which addressed the process, applying, information that must be supplied, what a license is, what types of restrictions were placed on it, what the fees would be, how to renew, how or revoke the license, why it won't be renewed, etc.

Jean Krause commented that the ordinance made changes to chapter 1 and chapter 8, but it did not say what changes would be made to chapter 8. Attorney Snow stated that the new ordinance would be added to the end of chapter 8. Ms. Krause continued that it made reference to the Condition Use Permit and referred to section 8.3 and 8.4, which seemed to refer to building a new building. She wondered about when/if someone came in who already had a building. Attorney Snow stated that chapter 8 talked a lot about conditional use, but the hearing was about the new business license ordinance.

Jean Krause then proposed that the Council ask the P & Z to revisit the issue of CUP and chapter 8 because there were a lot of issue that needed to be reviewed. She added that she could see no reason the business license should not be approved.

8. Motion to CLOSE Public Hearing and OPEN Public Meeting.

LeRoy Thompson moved to close the public hearing and open the public meeting. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

9. Discussion and possible approval on Applying for Loan/Grant for the General Plan.

Kevin Stout stated the General Plan needed to be completed, therefore the loan/grant application should be submitted.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

LeRoy Thompson moved to approve making application to match the money the town had spent on the General Plan. Kevin Stout gave the second. No roll call vote was taken. The motion was approved unanimously.

10. Discussion and possible approval of Ordinance #2018-10 establishing rules, regulations and control for the licensing of businesses within the corporate limits of Virgin Town.

The Mayor stated he did not really like the Conditional Use Permit section. Attorney Snow explained that it was only included as a definition in case the business needed a CUP. In some cases the approved CUP needed to be shown before applying for a business license. Jay Lee stated that the annual renewal for home occupation needed to be removed, as it was now against state code. This phrase was in several sections, which he listed.

Tax ID numbers were discussed in reference to home occupation permits versus regular businesses. The Council discussed how the sales taxes were collected and how this effected the town.

Matt Spendlove suggested that the P & Z review the new ordinance before it was approved. Attorney Snow stated that it was not a land use ordinance, therefore, it did not need to go before the P & Z. The Council agreed to place it on the Town Council work meeting.

Jay Lee moved to table item number 10, the Business License, and put it on the Council work meeting for next month. Kevin Stout gave the second. No roll call vote was taken. The motion passed unanimously.

11. Temporary Habitation Application-Boissonnault, DGE.

Joseph Boissonnault was present asking for a temporary habitation permit for his home under construction in Desert Gardens. He reported that he was staying in a trailer two to three days a week. He was a licensed contractor (owner/builder), but was also using other contractors as needed. He stated that the septic tank would be finalized very soon, in the mean time, the He stated that the septic tank would be finalized very soon, in the mean time, the trailer was self contained and he also had a porta potty located on the lot.

Dan Snyder stated he did not see a problem except that the CC&R's of the subdivision might not allow temporary housing, however, it was not the town's place to ask. Attorney Snow

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

explained that the town's ordinances allowed the use if certain measures were met, which they seemed to be.

Kevin Stout moved to approve the temporary habitation application, but not to supersede the CC&R's that were there.

Mayor Spendlove stated that the town could not do that. Attorney Snow further explained that if the residents did not want it they would bring an action and seek an in-fracture under their CC&R's. As a city, nothing could be done.

Kevin Stout moved to approve the temporary habitation application permit. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

12. Discussion and possible approval of Resolution to Appointment of Town Representative to WCWCD.

During the January meeting the Council had decided who was going to serve on various boards and committees representing the town. The proper resolutions were now written and ready to be approved individually.

Dan Snyder moved to approve the Resolution appointing Kevin Stout to serve on the Washington County Water Conservancy District Board. LeRoy Thompson gave the second. No roll call vote. The motion passed unanimously.

13. Discussion and possible approval of Resolution to Appointment of Town Representative to SW Mosquito Board.

Kevin Stout moved to appoint Matthew Spendlove to the SW Mosquito Board. Dan Snyder gave the second. No roll call vote was taken. The motion passed unanimously.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

14. Discussion and possible approval of Resolution to Appointment of Town Representative to WCSW.

LeRoy Thompson moved to appoint Dan Snyder to serve on the Solid Waste Board. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

15. Discussion and possible approval of Resolution to Appointment of Town Representative DTEC (Dixie Transportation Executive Council)

Dan Snyder moved to appoint Jay Lee to the Dixie Transportation Board/Executive Council. Kevin Stout gave the second. No roll call vote was taken. The motion passed unanimously.

16. Discussion and possible approval of recommendation from Planing & Zoning to approve Ordinance #2018-07 amending sections of Chapter 22 of the Virgin Uniform Land Use Ordinance ("VULU") Highway Resort Zone expanding the location of this zone.

Dan Snyder asked what this amendment entailed. The Mayor explained that it extended the Highway Resort Zone west past the Munn property. Attorney Snow further explained that there was a location requirement and also physical quality type requirements. He reminded the Council that they had amended the physical location, changing it from parcel number to a location line. The current amendment would allow the location to be on the south side of the highway (between the highway and the river), no matter where it was on the east or west side of town, but it had to meet the physical characteristic requirements. It was not rezoning any certain property, but expanding the eligibility to apply for a zone change. LeRoy Thompson and Jay Lee commended the Planning and Zoning for a job well done.

The location was discussed and also pointed out on the projector screen map by Planning and Zoning member Sean Amodt.

Jean Krause pointed out that there were three parts in the code that were being expanded. One talked about Jack Ruggles property, but then it went all the way to the east town boundary. Sean showed where the town boundary was in relation to the Highway Resort Zone. Jean also pointed out that in the amended descriptions of each section the middle one was mislabeled, which needed to be corrected.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah

Kevin Stout moved to approve amending sections of Chapter 22 of the Virgin Uniform Land Use Ordinance ("VULU") Highway Resort Zone expanding the location of this zone. Jay Lee gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-No, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed on a split vote.

Attorney Snow felt that the Council should discuss agenda item #19, dealing with amendments to the Congregate Living Facilities Ordinance before item number 17 was discussed. Mayor Spendlove agreed. Discussion followed in the order listed below.

19. Discussion and possible approval of recommendation from Planning & Zoning to approved Ordinance #2018-04 amending and restating Chapter 25 of the Virgin Uniform Land Use Ordinance ("VULU") regulating Congregate Living Facilities.

Attorney Snow summarized that after the P & Z had spent so long working on the Short Term Residential and Residential Hosting Facility ordinances, they realized there would be some overlap between them and the CLF Ordinance, which was already on the books as. The CLF Ordinance (chapter 26) had been amended to only regulate closed facilities, where individuals were not allowed to come and go as they pleased (primarily youth facilities). The facilities that were open (like a home), were now regulated in a new Chapter 30. The Congregate Living Facility Ordinance would be reduced in size and scope.

Kevin Stout moved to amend and restate Chapter 25 Ordinance #2018-04 regulating Congregate Living Facilities. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

17. Discussion and possible approval of recommendation from Planning and Zoning to approved Ordinance #2018-02 authorizing by special use permit and establishing standards for the leasing of entire residential dwelling units for periods of less than thirty (30) consecutive days-also known as "Short-Term Rentals or STR" only in areas of new development receiving a special STR Overlay Zoning approval.

Jay Lee pointed out that sections 30.1.4e and 30.1.5e the ordinance cited Board of Adjustment, when it should read Appeal Authority. The change was noted.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

Mayor Matt Spendlove reaffirmed that this was only for new developments, but wondered about the sub-divisions that had already been approved with very few homes in them. Attorney Snow explained that P & Z had talked about expanding it to sub-divisions if all the land owners agreed to change their CC&R's to allow short term renting. P & Z decided not to go that far. Attorney Snow explained that according to the ordinance, only new developments could allow short term renting.

Dan Snyder stated that Hurricane Valley Fire District was getting slammed with STR inspections for renewal. The attorney felt Virgin would not have this problem because the renewal dates could be throughout the year, instead of just one day or month, as Hurricane's Ordinance required.

Jay Lee moved to approve the STR Ordinance #2018-02 authorizing by special use permit and establishing standards for the leasing of entire residential dwelling units for periods of less than thirty consecutive days-also known as "Short-Term Rentals" only in areas of new development receiving a special STR Overlay Zoning approval, with the corrections of the two references to Board of Adjustment are changed to Appeal Authority. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

18. Discussion and possible approval of recommendation from Planning and Zoning to approve Ordinance #2018-03 authorizing by special use permit and establishing standards for leasing portions of a residential dwelling unit for periods of less than thirty (30) consecutive days while the owner of the residence still resides therein-also know as "Residential Hosting or RHF".

Mayor Spendlove explained that this ordinance allowed home owners to rent one room out of their home, but they must live in the home. There was no new development restriction on this ordinance. Mayor Spendlove pointed out that the spacing requirements section (30.2.3.c) should be deleted as the P & Z had directed.

Jean Krause asked if a permit application had been prepared and permit fee had been set.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah

Mayor Spendlove stated that an application had been prepared, but no fee had been set. After discussion, the Council directed town staff to charge the business license fee until the uniform fee schedule was amended at the March Town Council Meeting.

Dan Snyder moved to approve Ordinance #2018-03 authorizing by special use permit and establishing standards for leasing portions of a residential dwelling unit for periods of less than thirty days while the owner of the residence still resides therein, with corrections. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

20. Discussion and possible approval of recommendation from Planning and Zoning to approve Ordinance #2018-01 amending Chapter 1 of Virgin Uniform Land Use Ordinance ("VULU") to include the definition of Short-Term Rental ("STR") and Residential Hosting Facility ("RHF") and other definitions related thereto.

Attorney Snow explained that this amendment was to add supporting definitions for STR and RHF into Chapter 1.

Kevin Stout moved to approve Ordinance #2018-01 amending Chapter 1 adding Residential Hosting Facilities and Short Term Rentals into the definitions. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

21. Discussion and possible approval of recommendation from Planning and Zoning to approve Ordinance #2018-05 amending sections of Chapter 28 of the Virgin Uniform Land Use Ordinance ("VULU") to reduce the size of parcels of real property that may be considered for a Master Plan Overlay District.

Attorney Snow explained that one of the current eligibility requirements to apply for the master plan overlay zone was the parcel must be 20 acres. It had been on the books for many years and no one had ever applied for it. Attorney Snow felt the master overlay zone was very

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING WEDNESDAY, February 28, 2018 6:30 pm 114 So. Mill Street, Virgin, Utah

desirable for the town because at the zone change stage the developer had to show a lot of detail for what the property would be used for. With a normal zone change, they could apply for the zone change and then ask for a building permit, permitted or conditional use. He felt it took the blind zone change approval away and enticed people to apply for the master plan overlay would give the town more information. When approving a zone change the Council was acting legislatively, passing law by amending the zoning map, and courts would give more discretion. If the Council had already granted a zone change and the property owner came into apply for a conditional use permit, the Council would be acting administratively and the judge did not have to give a lot of deference. The attorney felt it would be in the best interest of the town to entice people to give more detail before the zone change was granted by using the overlay zone. He stated that the only change that had been made was reducing the size requirement from 20 acres to 10 acres.

Kevin Stout moved to approve Ordinance #2018-05 amending sections of Chapter 28 of the Virgin Uniform Land Use Ordinance to reduce the size of parcels of real property. LeRoy Thompson seconded the motion. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

22. Discussion and possible approval of recommendation from Planning & Zoning to approve Ordinance #2018-08 Zone Change application for K&K Family LC Parcel #V-2136-A from Rural Residential to Highway Resort Zone.

The Council reviewed the map, locating where the property was. Kevin Stout reported that an easement application had been submitted to the WCWCD and that a second access off of Kolob Terrace Road was also being worked on.

Jay Lee moved to approve the Ordinance #2018-08 Zone Change application for K&K Family from Rural Residential to Highway Resort Zone. Dan Snyder gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Abstain, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed with 1 abstain.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

23. Discussion and possible approval of recommendation from Planning and Zoning to approve Ordinance #2018-09 Zone Change application for Duane L. Munn, zone change description attached to the agenda, from Rural Residential to Highway Resort Zone.

The location was shown on the map. Mayor Spendlove told several unnamed people from the audience that the public hearing was held at the Planning and Zoning meeting, so comments would not be taken.

One unnamed citizen stated that this zone change would not fit with the desire of the P & Z and Town Council to keep resorts type developments on the east side of the town. Mayor Spendlove replied that he had not heard that it was the desire of P&Z or the Council to keep development on the east. He reasoned that if it was P&Z's desire, they would not have approved the application. He then stated that the property fit the requirements and criteria which had been approved for Chapter 22.

Attorney Snow stated that the zone change fit the physical characteristics (which he read from the ordinance) and also conformed to the location of Chapter 22. Kevin Stout stated that the ordinance required sizable buffers and setbacks that would keep development from encroaching on existing homes.

Jay Lee moved to approve Ordinance #2018-09 Zone Change application for Duane L. Munn from Rural Residential to Highway Resort Zone. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye, Dan Snyder-No, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Abstain. The motion passed with 1 no and 1 abstain.

24. Discussion and Possible Approval of Purchase of Water Rights Previously Associated with the Sierra Bella Subdivision.

Mayor Spendlove reported that the remaining water rights were available for a good price. He stated that the town had the money, it was a good asset to the town, and water was only going to go up in price.

Jay Lee moved to authorize to town to purchase water rights for the purchase price \$24,500 and authorized the Mayor to execute any purchase documents or agreements that were needed by the bank. Kevin Stout gave the second. Roll call

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, February 28, 2018

6:30 pm

114 So. Mill Street, Virgin, Utah

vote: Jay Lee-Aye, Dan Snyder-Aye, Kevin Stout-Aye, LeRoy Thompson-Aye, and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

Open Forum: Limit 2 minutes per speaker.

* Bonnie Timmerman stated that she was amazed that when people bought property with zones and rules attached, they thought they had the right to change it to suit themselves. They should not buy the property if they did not want to obey the zones and rules. Residential property was zoned that way because that was what the general plan provided. Subdivisions with CC&R's attached were what the developer and the town agreed to before the subdivision was approved. When people purchased land with rules attached they were agreeing to the rules and should not expect to be exempt from the rules. Mrs. Timmerman read from the Desert Gardens CC&R's, stating that no temporary structure may be used at anytime. She then quoted from the Virgin Town ordinance for temporary use of a recreational vehicle in residential zones, which she stated the Council had not read. She continued to read, stating that all the rules of the underlying zones must be met before they were approved. The rules of the underlying zone of a subdivision were the city's zones and the rules of the subdivision, which the city allowed. She stated that all the rules were not being met. The Ordinance also stated that an exception is prudent because it helped promote owner/builder goals contained in the town policies. Mrs. Timmerman had not been able to locate those goals. She stated that presently there were six homes being built in Desert Gardens, which could turn the subdivision into a temporary trailer park. There had been a petition submitted asking the town to not allow the temporary habitations. She asked the Council if they knew about the petition, which was submitted to the P&Z. She said the Council had not investigated, had not asked the owner builder why he wanted the permit, and had not read the town ordinance on temporary habitation. She stated that town ordinance said a temporary housing unit could not hook up to the septic system while someone was living in the trailer. She stated the Council had just granted the permit without reading the ordinance, investigating anything or listening to anybody. Mrs. Timmerman continued that she knew the town could not enforce CC&R's, but they should not allow people to break them. She felt the town approved the CC&R's when they had the subdivision put in. She stated the Council did not listen to anybody.

* Kevin Stout read a letter from Lee Ballard concerning the CLF Ordinance amendments. This letter is attached to the minutes.

* Jay Lee read a letter from Cassity Bromley concerning the Ordinance 2018-07 expanding the Highway Resort Zone. This letter is attached to the minutes.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, February 28, 2018

6:30 pm

114 So. Mill Street, Virgin, Utah

- * Linda Collet hoped that when she brought her plans in for a heliport on her property, the Council would be as friendly to her as they had been to everyone else who had come in. She also hoped they would not require anything from her as they had not required anything from them.
- * Jean Krause suggested that P&Z to revise Chapter 8 about conditional use permits and that it be divided into two categories: one for new buildings and one for existing buildings.
- * Niles Ritter stated that this was a new Town Council, so there were a lot of changes and also learning taking place. He stated that the documents were required to be released 24 hours before the meeting, but the spirit of the law was to allow people to have time to read the documents. He asked how citizens could read so much information in 24 hours. He also asked to have compassion on citizens who had jobs and give them a couple of extra days, especially if there was a lot of information. He felt citizens who had read the material would be able to speak intelligently and help the Council make decisions more soundly.
- * Mistie Baird stated that the last statement was directed at the town staff, so she felt she needed to respond. She explained that Public Hearing documents were required to be online and had been available since February 1. She would also gladly email copies to those who called and requested them. Mistie then explained the process of Chapter 8. She felt what Jean Krause had suggested would be very beneficial. Mayor Spendlove asked her to put the issue on the P & Z agenda.
- * Dina Moore stated she had had the same documents since February 14, which was more than 24 hours.

13. Council Comments:

- * Dan Snyder apologized for missing the solid waste meeting, but would be able to attend the next one.
- * Jay Lee stated that he also worked full time and he had also not received the documents until 24 hours ago also. He reported that it had only taken him an hour and half to read the ordinances. He had then had gone back and reviewed them during his lunch hour. Jay thanked the staff for the IPad and for teaching him how to use it.
- * Matt Spendlove stated that he also was excited about the IPads because it would save the town a lot of time and money. Mayor Spendlove then stated that two Eagle projects were beginning. They would run power to the stage at the park.

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, February 28, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

* Council Member Lee updated everyone on the BLM process. He stated that the BLM had the 80 acres near the BMX track on the list for trade or purchase. He had pursued the idea of trading the Coal Pits property for that which was closer to town. This would give the town a place to put in a camp ground near the BMX. The BLM had told the town it would take three to five years to get a trade going. This put the town back to the planning process because of the long time frame. He had submitted the RMPP report, which was a list/map of activities and venues the town would like to put in on the 80 acres. He was now waiting for their response. He asked for any suggestions of needs or wants the citizens had for the property.

D. ADJOURN PUBLIC MEETING:

26. Approve Motion to Adjourn Public Meeting.

Kevin Stout moved to adjourn the public meeting. Dan Snyder gave the second. No roll call voted was taken. The motion passed unanimously.

The Meeting adjourned at 8:34pm.

Monica Bowcutt
Town Clerk

Approved:_____