

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, January 24, 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	
Darcey Spendlove	Jean Krause
Gunther Rasmussen	Dina Moore
Mattson Spendlove	Lesa Sandberg
Karen Spendlove	Sean Amodt
John Ely	James Lee
Toby Lee	Bruce Densley
Samuel Amodt	Lori Rose
Darwin Hall	Shirlene Hall
Jerffrey Herrick	

A. Work Meeting/Non Action Items:

a. Discuss General Plan

Mayor Spendlove stated that there had been some talk among the P & Z about how to get the Plan completed and the time frame for it. Monica Bowcut, Town Clerk, reported that the Rural Community (Michael Hansen), who had done Toquerville's and LaVerkin's Plans, had charged around \$50,000 and had helped get funding. Gary Zabriskie from 5 Counties was willing to help, but would not do an in depth study, rather just get the town started. He had suggested having someone do it that had a knowledge about the town. Perhaps Planning and Zoning and someone else who had a vested interest in the town. Mr. Zabriskie had also stated he would be willing to train whomever was chosen to complete the Plan. Rod Mills had said he would have it done by May or June and the cost would be \$40,000, plus he would help get the funding to help pay for the Plan.

The Council discussed all options and the estimated total charges. They agreed that the open house that Ensign Engineering had put on was very good, but then nothing else had been done. The town had budgeted \$20,000 and had a task order with Ensign Engineering for \$40,000. The Council agreed to continue using Ensign Engineering, but with a guaranteed completion date by the May, 2018 Town Council Meeting.

b. Discuss Set Backs and indemnification agreement

Mayor Spendlove stated he wanted to discuss set backs and possibly allowing portable or movable structures in them. Attorney Snow cited a situation in St. George which allowed a structure in the setback, but had required a signed indemnification agreement which was recorded with the property. The Council discussed the types of structures that would be approved: car ports, not fully enclosed, not utilities, and sun shades. The Council agreed to

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asked Planning & Zoning to look at amending the ordinance with the discussed changes.

c. Discuss Appointments to Boards/Assignments Mayor Spendlove would like to make

The Mayor Spendlove asked the Council which boards or committees they would like to sit on. Bruce Densley explained what each committee was, when and where they usually met. It was decided that Kevin Stout would attend the Water Conservancy District Meetings. Jay Lee would attend the Transportation Department meetings. The Mayor would sit on the Mosquito Abatement Board. Dan Snyder would sit on the Solid Waste District Board. Bruce Densley had volunteered to continue to sit on the Fire District Board. He explained that the County Commission had already re-appointed him to Fire Board. Resolutions of the appointments would be approved during the February Meeting. Mayor Spendlove stated he had other assignments to make, but resolution were not needed for these and they would be discussed at a later time.

d. Discuss Fee Schedule (HTS, Police Impact Fees, Home Occ. fees, etc.)

Mayor Spendlove reported that Heritage Town Square was not making enough money to cover its costs. The staff had made suggestions on new fees that they felt would help with the costs. The Council agreed that the \$64 for Police Protection impact fee could be removed because the town was no longer paying for this protection. Monica Bowcutt, Town Clerk, clarified that no refunds needed to be given because no building permits had been issued since December 31, 2017.

B. REGULAR MEETING:

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove began the meeting at 7:01 pm.

2. Invocation/Pledge of Allegiance

Kevin Stout gave the invocation. Jay Lee led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

No conflicts were declared.

4. CONSENT AGENDA: Possible Approval of Items 5 & 6

5. Review with possible approval of November 15, 2017 Canvass Draft Minutes, December 27, 2017 Draft minutes, January 3, 2018 Special Meeting Draft Minutes.

Mayor Matt Spendlove stated that he had already reported one change in the minutes to Monica Bowcutt, Town Clerk.

6. Review with possible approval of December Invoices and Checks.

No discussion took place.

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Jay Lee moved to approve the consent agenda, items 5 and 6; November 15, 2017 Canvass Draft Minutes, December 27, 2017 Draft minutes, January 3, 2018 Special Meeting Draft Minutes and the Checks and Invoices. LeRoy Thompson gave the second. No roll call vote was taken. The motion passed unanimously.

7. Washington County Sheriff's Office-Update.

Washington County Sheriff's Office Chief Deputy, Nate Brooksby, was present to update the Council and answer questions. He stated that there would not be any noticeable changes, other than the Sheriff's Department would be present more in the community. He handed out a list of numbers where the department could be reached. Officer Brooksby encouraged citizens to contact him directly if they had an issue that could not be resolved through other means.

Issues that were discussed were: deer being hit on the highway (call dispatch who contacts the DWR), illegal camping calls would be handled with the help of the BLM where applicable, and the state was helping with the addition problems, but it was a complicated mess. Officer Brooksby stated that an officer would be checking into the town office on a bi-weekly basis.

8. Possible approval of Limited Temporary Habitation Application-Jeffrey Herrick.

Jeffrey Herrick was present requesting a Limited Temporary Habitation Permit. Mr. Herrick reported that he would like to live in an RV trailer while his home was being built. The building permit was for 1 year, but he was hoping to be finished in 8 or 9 months. He reported that the water, power, and septic were already installed, so there would not be a generator or septic issues. Mr. Herrick also reported that he was an owner-builder, but had a general contractor because it was required by the bank.

Dan Snyder clarified that the Health Department had given a permit for the septic, complete with a PERK test. It was suggested that Chris Holm, Maintenance Supervision, inspect the sewer hook up and connection. The address of the home was 102 North 775 West.

Kevin Stout moved to approve item number 8; limited temporary habitation application for Jeffrey Herrick. Jay Lee gave the second.

Attorney Heath Snow suggested the motion be amended to state the temporary habitation permit would remain in effect for as long as Mr. Herrick held and active building permit.

Kevin Stout moved to approve item number 8:

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limited temporary habitation application for Jeffrey Herrick, which would remain in effect as long as there was an active building permit. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

9. Possible Approval of Partition Application-Allen Lee

Allen Lee was present to request a Partition Permit. He stated that Lee Valley Enterprises had 40 acres, of which they were going to divide off 1.38 acres, so Wyatt Lee could build a house. Mr. Lee understood that the easement and lot would need to be recorded.

Heath Snow explained that normally when land was subdivided, Chapter 9 must be followed, but there was a list of exceptions included. As the Town Attorney, he reviewed the proposed partitions to make sure they complied. He had done this and found that Allen's request did comply for size, access, and an intended future land use application. Attorney Snow continued to explain that the Mayor would need to attach a letter of approval and the map to the deed, so all three would be recorded. This would provide future proof, that the subdivision had been legally approved.

LeRoy Thompson moved to approve Allen Lee's land partition and authorize the Mayor to write an approval letter which would then be attached to the deed. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

10. Possible Approval of Resolution #R2018-A Amending the Virgin Town Fee Schedule.

Heath Snow explained that town fees were not supposed to bring revenue to the town, however, rental fees were an exception. Monica Bowcutt explained that the staff had come up with new prices, which they felt would better help cover the costs. The Council reviewed each change, followed by discussion.

The Council decided to: add a \$400 partition fee; allow 10 building inspections for the building permit price and after that they paid the inspector for each inspection; raise the business license fee to \$100 with a \$50 renewal fee; Home occupational (daycare, welding, salon) permits continued to be a one time fee, but was raised to \$100 with the renewal staying at \$50; Heritage Town Square rental fee was raised to \$500 for residents and \$600 for non-residents and the no charge for non profit groups was removed; the park (kitchen included) was raised to \$50; the cleaning deposit was raised to \$150 and \$100 would be returned if left clean; temporary use permit application fee was raised to \$100; temporary permits for large groups was raised to \$100 (1-100 people), \$300 (100-200), \$400 (200-300),

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\$700 (over 300); and take off the \$64 impact fee for police protection.

Jay Lee asked about the fees for changes to the General Plan, subdivisions, appeal authority and zoning administrator. It was explained that anyone could request a change to the General Plan. Attorney Snow also explained that the subdivision fee may be too steep, because the sub-divider also paid per lot.

Jean Krause reported that when the town had adjusted the fees two years ago, Virgin was way below the surrounding towns on the subdivision fee.

Attorney Heath Snow explained why Gary Kuhlman had been hired as the appeal authority, instead of using the Board of Adjustments. He then explained that the town's Appeal Authority, Gary Kuhlman had passed away. Mayor Spendlove felt that particular fee should not be discussed until the Town knew what was going to be done to replace him.

Dan Snyder moved to approve the Resolution R2018-A Amending the Virgin Town Fee Schedule with the changes noted. Kevin Stout gave the second. No roll call vote. The motion passed unanimously.

11. Possible adoption of Utah Chapter APWA (American Public Works Association) apwa.net.

Mayor Spendlove stated that the Utah Chapter of APWA (American Public Works Association) were the standards set by the state on things like asphalt, cement, drainage, roads, and gravel, etc. Heath Snow further explained that there were several variations of standards and because of this, the town was having a hard time enforcing code. Rod Mills, town engineer, had asked that the town approve certain sections so that he would have some uniformity when approving plans, etc. The Council felt that Mr. Mills needed to give them some direction on what sections and which standards he wanted adopted, therefore, it was premature to adopt it. The Council agreed that Mr. Mills, as a civil engineer, needed to give some direction and perhaps the Planning and Zoning needed to review it also.

Mayor Spendlove wondered if the General Plan should be updated and considered before these standards were adopted because standards may be different based on locations.

Lori Rose agreed, stating that many unique towns (like Virgin) came up with various standards for different parts of town. She felt there were two questions to be considered. First, what should the standards be and second, where should these standards be located.

Allen Lee stated that different parts of town had been approved for different standards. For

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example the newer subdivisions had a different paving depth than the older part of town. Attorney Snow added that the standards depended on when the building had occurred.

The Council agreed that a civil engineer should be making the decision, not lay men. The Council would, perhaps, make the standards hard to follow or not consistent.

Jay Lee moved to send the standards to the Planning and Zoning, along with having Rod Mills review them. Kevin Stout gave the second. No roll call vote was taken. The motion passed unanimously.

12. Open Forum: Limit 2 minutes per speaker.

- * Jean Krause stated she wanted to stand up for Rod Mills. She explained that he had been very sick from November to January. He was in and out of the hospital and had almost died.
- * Allen Lee stated the Council should start to seriously look at a sewer district. He had spoken to Rod Mills and Jean Krause about the issue. He felt that Springdale was almost built out and Virgin was going to begin picking up businesses and housing. The town needed something in place to get some affordable housing. He also felt a lot of money was being wasted on sewer systems, which should be used on a central sewer system. He suggested that the issue be put on the agenda.
- * Darwin Hall stated he seldom did it, but wanted to disagree with Allen. He then stated that he drove on Sheep Bridge Road quite often and he did not know what happened, but the road had been improved substantially. He thanked whomever had worked that miracle.
- * Bruce Densley stated Virgin Town had worked an agreement with the County to take over maintenance of Sheep Bridge Road and it would eventually be paved. The reasons for doing the work was to reduce dust and pollution and cut down on automotive miles for people working in the area. He then seconded Allen Lee's idea on a sewer system. He suggested that the Council especially to keep in contact with LaVerkin City, who may be running a line up the twist.
- * Lori Rose asked the Council to reconsider their decision on the boundary of the Highway Resort Zone, which was amended during the last meeting. She was not sure that it was clear to the Council where the boundary actually was. She stated that in the Public Hearing, the P & Z had heard comments from citizens concerned about development being opened up behind their homes. Specifically Bill Baker and Randy Hillier. The P & Z had assured them that the boundary was on the property line, not the street. Now that the Council had changed the boundary, these citizens were very upset. Allen Lee stated that nothing could be built behind the homes because of the terrain. Jay Lee stated that property owners still had to apply for (and be granted) a zone change. Mayor Spendlove stated he thought the

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Council had been pretty thorough, but would look at it.

* John Ely stated there were a couple new members on the Council and he wanted to make sure they knew what was going on with his drainage issue. Mr. Ely reviewed the history, reminding the Council that it had been going on for over four years and needed to be resolved. He was also worried about the neighboring lot, which was up for sale, because it would be flooded. He felt the town needed to pay Rod Mills to address the issue with UDOT, so it would not drag on for more time. Mr. Ely stated that the town agreed to take responsibility for the issue. Bruce Densley stated that, at that time, the town felt it was a good idea to look at future plans and, if it was monetarily reasonable to be proactive and take extra precaution. He stated that the town had never assumed liability or responsibility. Attorney Snow stated that he saw the situation as perhaps being a UDOT drainage issue. On one side of the highway a culvert had been installed many years ago, which was owned by UDOT, but by design created a problem for Mr. Ely. However, there had been the development of Desert Gardens Estates. He did not know under the Utah Governmental Immunity Act, whether the town had any responsibility. He felt perhaps UDOT had some responsibility because they created drainage culverts which placed the run off directly on Mr. Ely's property. He felt UDOT should step up and help in the situation. Attorney Snow assured Mr. Ely that the Council did not want to see any resident of town be flooded or have other issues, therefore, would be willing to help if possible. Attorney Snow had heard the Council speak in the past, stating they would love to assist if it was a matter facilitating or getting UDOT to do something, especially if it was not going to cost a lot of additional costs. He did not know if the town had a responsibility or a liability to do it for Mr. Ely, but the Council appreciated and understood the situation. Mr. Ely, continued that he had a number a letters on public record which showed blatant disregard. The town engineer had, on three different occasions, advised the town that Phase III of Desert Gardens needed a diversion. It had not been done. The Council members each volunteered to go look at Mr. Ely's yard and then address the problem at a later time, perhaps at the February meeting. Monica Bowcutt would get Mr. Ely's contact information to the Council members.

13. Council Comments:

* Dan Snyder stated he had filed a formal complaint because his chickens were being killed by a stray dog. He was bringing this up because people needed to be reminded that dogs were not supposed to be running around town. Heath Snow stated that Virgin did not have anywhere to take stray dogs that had been gather up. However, the County had one officer that was in charge of Animal Control. Monica Bowcutt reported that she had had one other formal complaint filed. It was discussed that shooting dogs who were on private property was allowed by code. Lori Rose stated that there were certain dogs who followed kids and just walked around, therefore, they should not be threatened. There was heated discussion of town code, state code, and what line should be walked when it came to dogs roaming streets. Lori Rose continued that this was a small town and neighborhood dogs should be left alone. Dan Snyder asked that people be reminded about keeping their dogs out of other peoples yards.

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* Jay Lee stated that he would keep, in the-way-back of his mind, the sewer system, but there were so many septic systems that were approved and very efficient. He felt putting a sewer system in the old part of town would cost an astronomical amount. He felt the citizens who already lived in town should not have to pay for a system, but rather the developers should be in charge of installing and paying for their own system.

C. ADJOURN PUBLIC MEETING:

14. Approve Motion to Adjourn Public Meeting.

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

The Meeting adjourned at 8:44pm.

Monica Bowcutt
Town Clerk

Approved: _____