

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, April 25, 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:

Misti Baird-Deputy Town Clerk
Lesa Sandberg
Sean Amodt
Shawno May
Cameron Spendlove
Dina Moore
Carol May
Kent Peterson

A. WORK MEETING 6:30 PM

a. Discussion of FY 2018-2019 Budget.

LeRoy Thompson, Town Treasurer, reported that the Fiscal Year 2018-2019 Draft Budget was available for the Council to review. He stated that extra money had been added for equipment repairs, if needed. The budget would be finalized by the May Council meeting. This budget would need to be reviewed by all Town Council members before then. If the Council Members had changes or suggestions to the budget, LeRoy or Matt would need to be notified ten days before the meeting, so changes could be made.

b. Discussion of 1.2 Million Dollar Loan.

Mayor Spendlove reported that the 1.2 Million dollar loan was available. He had written a letter asking for it to be extended until the budget year was over, so the town knew where they stood money wise. The loan was included in the budget. He suggested the town take half (\$600,000) of the loan in order to pay for the new water tank and the new connector line. This line would give the east side of town enough pressure to pass the fire test. This amount of money would not be enough money to purchase electric read meters and all new water lines. The payments would be about \$30,000 a year for 20 years.

LeRoy Thompson explained that the \$50,000 a year the town was saving from police protection had been used up to pay for potential equipment failure(s) and increased time from the Sheriffs Department if needed. Mayor Spendlove felt if the Coal Pits Property sold, that money could be used to pay the loan. The Council agreed that it would be worth looking into only taking half of the loan.

The Council then discussed the water tank and water line estimates that Rod Mills had emailed. LeRoy Thompson reported that there was \$100,000 in the water impact fees that was earmarked for new expenditures. He suggested that this money could be used in conjunction with the loan. Matt Spendlove reported that some repairs were needed on the west side of town, also.

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c. Discussion of Name Change of Impact Fees.

Mayor Spendlove reported that Rod Mills suggested that the town change the name of impact fees. In this way the fees could be used for something besides new purchases. Jay Lee felt the state should be asked, so the town did not do something illegal. Mayor Spendlove stated that the town had just received a \$200,000 impact fee from the motel, but he wanted to fix the old roads, old parks, and old infrastructure, instead of buying new. The Council agreed, but felt the state needed to be contacted before anything was done.

d. Discussion of Rezone BLM Property.

Jay Lee reported that the BLM was going to put the additional 70 acres near the BMX Track up for bid-sale. The town had submitted a plan for these acres, but the BLM had rejected it, stating they needed and wanted camping. The town had tried to form an RMPP, but the process took three or more years. There was an individual who was interested in purchasing the land, but could not afford to buy all 70 acres. Also, the town needed to rezone the property from Rural Residential to Open Space, so that the property would be purchased with camping or open space in mind. This process would take less than year. The BLM was fully supportive of the proposed rezone and camping. The Council agreed to send the rezone to Planning and Zoning to get the process started.

e. Discussion of Michael Lau Rezone.

The Council discussed Michael Lau's Rezone. Cameron Spendlove, P & Z Chairman, explained that Mr. Lau would like his property to be changed to the Commercial Zone. He wanted to put in a small coffee shop and maybe sell sandwiches etc. Cameron continued that the property was outside the bounds of designated Commercial Zone. Mr. Lau had submitted a letter of proposal, but knew that the ordinances would need to be amended to allow Commercial that far east. His property did, however, border another parcel that was Commercial. The Council agreed to send the amendment and the zone change application to P & Z.

f. Discussion of .8 Acre Bringhurst.

Mayor Spendlove explained that Greg Bringhurst's property (where Dudley and Dolly had built) had 2 acres. Years ago they had sold off .2 acres as an access going to Kelly Stout's house. Now they would like to build a house on .8 of an acre. Dan Snyder stated that it was a legal non conforming lot, so the issue would be if he could fit inside the set-back requirements. Kevin Stout explained that the lot had never been split, so it was currently 1.8 acres. There was currently a house on one acre, and they would like to split it off and build another house on the remaining .8 acre. Councilman Snyder then stated that because it had not been split, it was not a legal non conforming use. At this point the Council stated that it could not be done with the ordinances written as they were.

g. Discussion of 4th Tier Water Rates.

The Council discussed a 4th tier of water rates, which would be placed above the existing tiers. It would be for businesses or residents who used an excessive amount of water each

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month. The 3rd tier stopped at \$3.50 per every thousand gallons (15,000 gallons and above) of water. Some accounts were using much more water than this tier allowed. Mayor Spendlove felt it would help people stop wasting water and it would not impact very many residential accounts. It was suggested that tier 4 begin at 22,000 gallons used and the rate would increase to \$6.00. The Council agreed to these numbers and wished to approve it during the May meeting.

B. REGULAR MEETING: 7:00 PM

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove began the meeting at 7:14 pm.

2. Invocation/Pledge of Allegiance

Kevin Stout gave the invocation. LeRoy Thompson led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

No conflicts of interest were declared.

4. Consent Agenda: Possible Approval of Items 5, 6, and 7.

5. March 2018 Checks and Invoices.

6. February 28, 2018 Town Council Meeting Draft Minutes. (Clerk on sent partial minutes last month.)

7. March 28, 2018 Town Council Draft Minutes.

Mayor Spendlove made one grammatical change to the March minutes. Jay Lee questioned the amount of money that had been paid to the town engineer. Mayor Spendlove replied that the box culvert was included in the invoices, but there was an offset for the amount. He also stated that the road fund had quite a bit of money.

Dan Snyder moved to approve the consent agenda, items 5, 6, and 7 with the change. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; Mayor, Matthew Spendlove-Aye. The motion passed unanimously.

8. Discussion with possible approval of Kevin Kerlin, Virgin Park, Development Agreement.

Mayor Spendlove stated he had spoken with Mr. Kerlin, who had asked to see a clean and final version of the Agreement. The Mayor suggested that the Council table the item until every one was up-to-date on the issue. The last time the issue had been reviewed or discussed was December of 2017.

Kevin Stout moved to table item number 8, Virgin Park Development Agreement. Leroy Thompson gave the second. No roll call was taken. The motion passed unanimously.

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9. Discussion with possible approval of Resolution #R2018-H, To appoint a new Town Prosecutor.

The Council reviewed the resume of Rachel Becstrum, potential town prosecutor that Attorney Heath Snow had recommended last month. Her fee would be \$150 to \$170 an hour and would be available when needed.

LeRoy Thompson moved to approve Rachel Becstrum to be appointed as the Virgin Town Prosecutor. This appointment was Resolution #R2018-H and item number 9 on the agenda. Dan Snyder 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.

10. Discussion with possible approval of Resolution #R2018-I, To appoint a new Appeal Authority.

The Council reviewed the resume of Bruce Jenkins to serve as the Town Appeal Authority, in lieu of a Board of Adjustment Committee. Mr. Jenkin's fee would be \$150 to \$200. Jay Lee stated he would like to see the board of Adjustments reinstated.

Dan Snyder moved to approve Resolution #R2018-I to appoint Bruce Jenkins as the Virgin Town Appeal Authority. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; Mayor, and Matthew Spendlove-Aye. The motion passed unanimously.

11. Discussion and possible approval of Resolution #R2018-F, To Hold a Special Election on June 26, 2018 to vote on Ordinance 2018-7 and 2018-9.

The Council discussed the Resolution to hold a special election on June 26, 2018 for the referendums. This item had been tabled from the March meeting in order to make sure all the signatures were turned in and verified. The motion to hold the special election was approved unanimously.

Jay Lee moved to approve Resolution #R2018-F, to hold a special election on June 26, 2018 to vote on Ordinance 2018-7 and 2018-9. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; Mayor, Matthew Spendlove-Aye. The voting was unanimously in favor.

12. Continue discussion and possible approval of Ordinance #2018-06 establishing rules, regulations and controls for the licensing of businesses within the corporate limits of Virgin Town, Table March 28, 2018.

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Mayor Spendlove asked what town staff felt about the proposed Ordinance. Deputy Town Clerk, Misti Baird, stated the staff liked the new Business License Ordinance, except for one sentence dealing with Conditional User Permits. The Council had reviewed the document, discussed it and then tabled it during the March meeting. The motion to approve the Business License Ordinance, but remove the last sentence on page 2 passed on a split vote, with Jay Lee abstaining.

LeRoy Thompson moved to approve agenda item number 12: Ordinance #2018-06, with the last sentence under item 2: Conditional Use Permit section, starting with "however a CUP shall not be required...." be omitted. The entire sentence be removed from the ordinance. Kevin Stout gave the second. Roll call vote: Jay Lee-Abstain; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; Mayor, Matthew Spendlove-Aye. The motion passed on split vote, with one abstain.

Open Forum: Limit 2 minutes per speaker.

* Sean Amodt stated the increase in water rates had been debated before. He explained that he had researched and felt the tiers should be looked at. He stated that a simple base rate now cost more than the entire charge before the tier system was put into ordinance. He stated that a tier 4 would effect his family because of the number of teenagers in his family. He asked the Council to look at how much water the businesses were using compared to residents, before the decision was made.

Council Comments:

* Matt Spendlove stated that he liked to agree with Sean, but now that he was Mayor he couldn't on the water rate issue. He explained that the town had infrastructure to replace and pay for and without businesses coming to town, the citizens had to help with paying for upkeep. He wanted to look at possibly changing the impact fee name, so that money could be used for replacement costs. If citizens had other ideas of how to keep the water rates down, he would love to hear them.

* Jay Lee stated that citizen donations of time should be considered when looking at water rates. He suggested that maybe the town was knocking families. Many of these families donated a lot of time for town functions. Jay then announced the State BMX race would be held on Friday night and Saturday.

Possible motion to hold an Executive Session.

Discussion of sale of property and acceptance of Loan.

***Kevin Stout moved to hold an executive session.
Dan Snyder gave the second.***

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It was suggested that the motion be amended.

Kevin Stout moved to close the public meeting and open an executive session. Dan Snyder gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; Mayor, Matthew Spendlove-Aye.

The public meeting closed at 7:55 pm. An executive session followed.

The executive session opened at 7:58.

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

D. ADJOURN PUBLIC MEETING:

13. Approve Motion to Adjourn Public Meeting.

The meeting adjourned at 8:18 pm.

Monica Bowcutt
Town Clerk

Approved:_____