

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING  
WEDNESDAY, August 22, 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	
Rod Mills, Town Engineer	Niles Ritter
Dina Moore	Kason Smith
John Ely	Lesa Sandberg
Darcey Spendlove	Sean Amodt
Chuck Matsler	Cameron Spendlove
Bill Swenson	Bruce Densley
David Kiel	

**A. WORK MEETING 6:30 PM**

Mayor Spendlove called the meeting to order at 6:35 pm.

**a. Sewer System Discussion.**

Mayor Matt Spendlove stated that he wished to discuss some options about self contained sewer systems because larger projects would be required to use them. The Council needed to decide if they wanted to be the governing body over these systems (which did not have to include maintenance) or hire someone else. He reported that Ash Creek Special Sewer District had said they would step into this role if the town wanted them to do so, however, it may be easier for the town to do it in order to oversee the billing. The Mayor said that Chris Holm was agreeable to becoming certified and would then inspect them monthly if the town wanted to be the governing body. LeRoy Thompson stated he liked that idea because Chris's salary would be spread to a different cost center and the town could charge for the service. The Mayor thought that the RV Park and the Hotel were currently using Ash Creek, but if the town decided to become certified they could take over. There were four people in the county who were certified to complete the state inspections, which were required quarterly.

The Mayor hoped to build up enough reserve money (through a warranty with the developer) that would pay for maintenance and upkeep of the system.

The Council discussed the different systems and how much nitrate they each took out. It was stated that a fee would need to be built into the development to pay for the system and the upkeep. The Council agreed that these systems would only effect new developments. A person building one house could still put in a septic tank if they desired, however, the systems were dropping in price so one lot/house could afford them.

Rod Mills, Town Engineer, stated that if the town decided to be the governing body, a new

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part time maintenance person would be needed.

Mayor Spendlove explained that Ash Creek had long term future plans to bring the sewer to LaVerkin and Virgin. For that reason, they liked that Virgin was beginning to cluster homes because it made hooking onto the sewer much easier. Kevin Stout stated he was in favor of the town moving forward with it and the town's future was hinging on it. He felt the town should become educated and they would be more equipped than Ash Creek to be the governing body. LeRoy felt the town should be involved and become educated by using Ash Creek to learn from. The Council agreed that they needed to be educated and certified, so perhaps Ash Creek taking on the management role from the beginning would be best. Ash Creek had agreed to turn it over to the town when the town was ready.

**b. Discussion of sale of property and acquiring a new water tank.**

Mayor Spendlove stated that the Coal Pits Property had sold. The Council agreed that putting in the third water tank was the most important thing to do with the money, followed by water lines. Rod Mills continued to work on some grants to help with the cost. Mr. Mills stated that bringing that amount of money to to table was a grant game changer.

The Mayor stated that he did not feel good about borrowing a lot of money to complete the entire project, which had previously been estimated at 1.3 million dollars. He felt better about breaking it up into smaller projects.

Kevin Stout suggested that a 10 inch line be brought off the main tank directly to the east side of town, instead of winding it around before going east. The Council and Mr. Mills thought this was a good option to increase pressure and should be looked into.

Mayor Spendlove explained that the town was basically running off of a 4 inch line, which decreased water flow. He continued that boring under the road was required for both projects and wondered if they could be done at the same, which would save money. The lines in Desert Gardens could then be looped. The Council agreed. It was clarified that impact fees could be used for part of the projects.

**c. Discussion of increase of tourist/transient room tax.**

The Mayor explained that the town was getting all the transient and room taxes that were available from the state. However, in order to petition the state for a larger tax percentage of the highway tax, a vote would be needed on the ballot. No decision was made after discussion.

**d. Discussion of boring under the highway.**

Boring under the highway had been discussed above.

**e. Chapter 21-Repeal.**

Mayor Matt Spendlove reported that he still did not have any answers about repealing

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Chapter 21. There were steps that needed to be taken with the state. It was not just a matter of repealing the referendum. Heath Snow, Town Attorney, had said he would have all that was needed ready for the September meeting. The agenda items 15 and 16 would need to be tabled.

\* LeRoy Thompson stated that the new water tank was needed now, but more especially for the future. He felt it needed to be put in as soon as possible. Mayor Spendlove stated that Ron Thompson had suggested a 300,000 gallon tank would be the best size, so the water could flow more readily. Rod Mills confirmed that there was an incremental cost decrease as the tanks got larger. The Mayor reported that he was working with the BLM on an easement for the tank site.

**B. REGULAR MEETING** **7:00 PM**

**1. Call to Order- Mayor, Matthew Spendlove**

Mayor Spendlove began the meeting at 7:00 pm.

**2. Invocation/Pledge of Allegiance**

The Invocation was given by Jay Lee and the Pledge of Allegiance was led by LeRoy Thompson.

**3. Declaration of Conflict of Interest**

Matt Spendlove stated he had a conflict with the Munn's because he farmed their ground. Kevin Stout declared a conflict with Mesa View Final Plat, agenda item number 18.

**4. Consent Agenda: Possible Approval of Items 5-8**

**5. July 2018 Checks and Invoices**

The checks and invoices were unavailable for review.

***Dan Snyder moved to table item number 5. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.***

**6. October 2, 2017 TC Draft Minutes**

**7. August 15, 2018 Draft Minutes**

**8. July 25, 2018 Draft Minutes**

***Jay Lee moved to approve the draft minutes, items 6, 7, and 8: October 2, 2017, August 15, 2018, and July 25, 2018. LeRoy Thompson gave the second. Roll call vote: LeRoy Thompson-Aye, Jay Lee-Aye, Kevin Stout-Aye, Dan Snyder-Aye, and Mayor Matt Spendlove-Aye. The motion was unanimously approved.***

**9. Motion to Close the Public Meeting and Open the Public Hearing.**

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***Kevin Stout moved to close the public meeting and open a public hearing accepting input on the disconnect of the Mesa Road. Dan Snyder gave the second. No roll call vote. The motion was approved unanimously.***

**C. PUBLIC HEARING-Accepting Public Input on the following Item:**

**a. Disconnect (De-annex) Mesa Road.**

\* Lyman Everett asked where the new line would be located. Mayor Spendlove replied that it would be just above the water tank. The County would maintain the road from there on up. Mr. Everett suggested that signs be put up letting people know it was now County maintained.

\* Bruce Densley pointed out that there was no private land in the disconnect area. It was all BLM and State ground.

\* Sean Amodt asked if there was an obligation to show how B&C Road funds had been used on the road. Rod Mills stated no, but the town would lose the future funds from the road. Mayor Spendlove reported that the County was not happy, but they were not at the meeting to complain.

***Dan Snyder moved to close the public hearing and open the public meeting. Kevin Stout gave the second. Roll call vote: LeRoy Thompson-Aye, Jay Lee-Aye, Kevin Stout-Aye, Dan Snyder-Aye, and Mayor Matt Spendlove-Aye. The motion was unanimously approved.***

**D. REGULAR MEETING continued-ACTION ITEMS**

**10. BLM Presentation-Dispersed Camping-David Kiel.**

David Kiel from the BLM was present to speak on the dispersed camping plan. He stated that he had been at a meeting 6 months ago when a Citizens Council had been organized. This council had come up with a draft plan and was now seeking public comment on it.

Mr. Kiel reviewed history over the last 20 or more years, where Zion National Park had seen a 400,000 increase in visitors. This increase had impacted the community in several ways, including camping. The problem was that too many people were crowded into a small area. The goals of the draft plan were: to protect the view shed of the residents, move camping farther away from the community, spread the existing use over a greater area, use designated campsites, eliminate proliferation, reduce the potential of wildfire, create clear, concise and enforceable regulations, make all regulations for the area easily accessible, and provide and enjoyable experience for visitors.

Mr. Kiel showed the proposed boundary for camping, which had eliminated half of the current campsites, added 400 minimum feet between campsites, and added signage to the sites.

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There were a total of sixty campsites, which all included signage, designated parking, and a steel fire ring. Fifteen of the camps were accessible to RV's. A sign plan was part of the proposed camping plan that included kiosks with maps, brochures, rules, and directions. All the information was also available online. Because the rules were going to be posted, they would be enforced. There would be a restroom centrally located, with a defined parking area.

Mr. Kiel was tentatively planning on October to start the fire crews installing the posts, fire rings, signs, and restrooms. The plan would go into effect during the holidays, sometime between Thanksgiving and Christmas. He asked that the Town Council formally adopt the plan by ordinance, so that local law enforcement could also write citations.

Several citizens asked questions about the following: old sites would be restored/reseeded; each camp sign would indicate how many vehicles were allowed (including ATV's); thrilled to see the progress and cooperation; even scout groups would be required to follow the rules; some sites needed to be moved; LaVerkin was looking at designing a plan also; other areas (Smith's Mesa and Kolob Road) would be looked at in the future; the boundary was not set in stone; no fees or reservations for camping would be required; project would be paid for from the events fees collected (Frog Hollow, Red Bull, Zion 100); new signs had already made a difference; consider putting a restroom closer to the SR9 camp sites; maintenance would be done by the BLM on an as-needed basis, although citizen volunteers were welcome; one truck and two ATV's was not too many vehicles; put the restroom information on the kiosk; and the town needed to pass an ordinance and help disseminate information. The written public comment period would be open until September 2. It was mentioned that a moratorium had been placed on new events located on BLM land.

#### **11. Discussion of Disconnect of Mesa Road.**

There was no discussion on the Mesa Road disconnect because there was nothing new to report. The Council agreed to table the item, which was a non action item.

#### **12. Recommendation of P&Z to approve Ordinance 2018-22 Amending Chapter 20 Commercial Zone.**

Mayor Spendlove reported that this Ordinance was expanding the Commercial Zone to include Michael Lau's property. Mr. Lau would like to put in a small cafe to sell coffee and jams. Kevin Stout stated that comments during the public hearing had expressed that the Commercial Zone should be extended to Pocketville Road. The Mayor reported that P&Z felt like the extension fit with the General Plan. Kevin Stout clarified that Mr. Lau would still have to apply for a zone change.

***Dan Snyder moved to approve Ordinance 2018-22 Amending Chapter 20 Commercial Zone. 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.***

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**13. Recommendation of P&Z to approve Ordinance 2018-23 Amending Chapter 22 HRZ Minimum House Size.**

Mayor Spendlove explained that the minimum house size had been changed in some ordinances, but Chapter 22 (Highway Resort Zone) had not yet been changed.

*LeRoy Thompson moved to accept the recommendation from P&Z to approve Ordinance 2018-23 Amending Chapter 22 HRZ Minimum House Size. Jay Lee 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.*

**14. Recommendation of P&Z to approve Ordinance 2018-28 Amending Chapter 22 to include the use of Campgrounds.**

Mayor Matt Spendlove stated that Ordinance 2018-28 was amending Chapter 22 the Highway Resort Zone to include campgrounds. He stated that the standards were already included in Chapter 8, which had been approved during the July meeting. It was not a change of location, just adding campgrounds as a use.

*LeRoy Thompson moved to accept the recommendation from P&Z to approve Ordinance 2018-28 Amending Chapter 22 to include the use of Campgrounds. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; LeRoy Thompson-Aye; Kevin Stout-Aye; and Mayor, Matthew Spendlove-Aye. The motion passed unanimously.*

**15. Review and possible approval of Ordinance 2018-27 to repeal Ordinance 2018-10 amending Chapter 21 (Tabled in July).**

Mayor Spendlove stated that the state needed to be contacted to make sure the process was being followed correctly.

*Kevin Stout moved to table item numbers 15 and 16 until next month. 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.*

**16. Recommendation of P&Z to approve Ordinance 2018-25 to Re Open and Amend Chapter 21 to accommodate the addition of Recreational Vehicle Parks within Town Boundaries (Tabled in July).**

No discussion. See motion above.

**17. Recommendation of P&Z to approve Ordinance 2018-29 Amending Chapter 1 Town Roads and Street Requirements.**

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The Mayor explained that Ordinance 2018-29 Amending Chapter 1 Town Roads and Street Requirements was changing all the roads to be 50 feet wide. There were places that stated 60 feet and some stating 50 feet. Kevin Stout stated it was interesting that where the Pocketville Road met the Kolob Road was 50 feet. This change would make all the ordinances uniform at 50 feet.

***Dan Snyder moved to approve Ordinance 2018-29 Amending Chapter 1 Town Roads and Street Requirements. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; LeRoy Thompson-Aye; Kevin Stout-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved unanimously.***

**18. Recommendation of P&Z to approve Mesa View Final Plat.**

The Mayor reported that Rod Mills, Chris Holm, P&Z, and himself had spent a lot of time going over the plans. The P&Z had found that all the standards and requirements had been met. The state needed to approve the water lines and system, plus the town attorney and engineer must sign off on the plat before it could be recorded.

Rod Mills stated he was just completing his reviews. He had received the data for the storm drainage and still needed the final sewer system reports.

***LeRoy Thompson moved to approve Mesa View Final Plat subject to the final analysis of the town engineer, town attorney and the state about the water to make sure it met all the qualifications. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; LeRoy Thompson-Aye; Kevin Stout-Abstain; and Mayor, Matthew Spendlove-Aye. The motion was approved. Kevin Stout abstained.***

**19. Recommendation of P&Z to approve Zion Sunset Villas Preliminary Plat.**

The Mayor read the P&Z recommendations on Zion Sunset Villas Preliminary Plat. The report said that all the standards had been met, including the total open space for all phases.

Cameron Spendlove, P&Z Chairman, stated that Zion Sunset needed to show the dedicated easement to the public utilities and trail easements if there was going to be public trails. Mayor Spendlove stated that the plans did not show any public trails. Jay Lee stated that the town could not tell a private property owner that they had to have public trails, however, the utility easement was required.

***Kevin Stout moved to approve the preliminary plat for Zion Sunset Villas subject to getting the easements platted on the final plat. LeRoy Thompson gave the second.***

Kevin Stout stated there was plenty of open space the way the project was designed.

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***Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; LeRoy Thompson-Aye; Kevin Stout-Aye; and Mayor, Matthew Spendlove-Abstain. The motion was approved. Matt Spendlove abstained.***

#### **20. Recommendation of P&Z to approve 2018 Final Draft of General Plan.**

The Council agreed that they were not ready to approve the Plan, especially because Dan and LeRoy had been unable to attend the work meeting.

Rod Mills stated he would incorporate the maps back into the document, rather than just referencing them online. They had been removed because they were so large.

Mayor Spendlove clarified that the changes which had been made during the work meeting had been made. These changes were reviewed, which was mainly just wording.

Dina Moore, P&Z Member, referenced page 9, under Proper Roads and Trail Upgrades. The Council confirmed that this change had been made.

Jay Lee asked why smaller lots were being limited to new sections of town. He felt smaller lots should also be allowed in the established sections. Rod Mills stated that the notion was the town's people felt the more established parts of town should remain the same acreage. Cameron Spendlove, P&Z Chairperson, suggested it could read "maintain current densities" in order to establish the same thing, but soften and clarify the intent of the wording.

Jay Lee also suggested that the words "despite the cost" be taken out on page 7. He then suggested that in the 'tourist information center' section the words "in balance with viewscaping" be taken out. Rod Mills and the Council agreed.

The Council felt it was a good document. They also felt that the public should have some time to review the newest version. Monica Bowcutt stated that the Council was going to have a photo contest, for the picture featured on the General Plan. There would be a prize for the winner.

***LeRoy Thompson moved to table the General Plan until the September meeting. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; LeRoy Thompson-Aye; Kevin Stout-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved unanimously.***

#### **Open Forum: Limit 2 minutes per speaker**

\* Bruce Densley stated that the Fire District had just hired 11 new fire fighters. They were also in the process of getting the new Coral Canyons station manned. The District had purchased the Springdale station a new fire engine at very low cost. There were three fire crews being

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dispersed for the wild land fires.

\* Cameron Spendlove stated that the .3% highway tax (which was discussed in the work meeting) may come with obligations. He suggested the Council do some research before steps were taken to collect that money from the state.

**Council Comments:**

\* Dan Snyder stated he had attended the Solid Waste District meeting. The board had approved another extension to Rocky Mountain Recycling. A group was traveling to Germany to see a program that may benefit the County. Rocky Mountain Recycling also needed to reinstate their performance bond. The market on recyclables continued to be very low and China was still not taking anything from the US, however, other markets had been found.

**21. Possible motion of hold an Executive Session.**

No executive session was needed.

**E. ADJOURN PUBLIC MEETING:**

**22. Approve Motion to Adjourn Public Meeting.**

*LeRoy Thompson moved to adjourn the public meeting. Jay Lee gave the second. No roll call vote was taken. The motion was approved unanimously.*

The meeting adjourned at 8:23 pm.

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Monica Bowcutt  
Town Clerk

Approved: \_\_\_\_\_