

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, September 26, 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:

Mistie Baird-Deputy Town Clerk	
Rod Mills, Town Engineer	
Dina Moore	Neil Thomas
Dustin Sorenson	Lesa Sandberg
Darcey Spendlove	Sean Amott
Paul Lowe	Cameron Spendlove
Jared Westhoff	Bruce Densley
Chuck Matsler	Carolyn Matsler
Stuart Ferber	David Greer
Darcey Spendlove	

A. WORK MEETING 6:40 PM

Mayor Spendlove called the meeting to order at 6:33 pm.

a. Discuss Photo Contest Entries.

Mayor Spendlove stated that many good pictures had been submitted for the General Plan photo contest. The Council also looked at some old photos of the town. It was suggested that the Council authorize the Mayor to choose the pictures for the general plan.

b. Discuss Shipping Containers-Permits and Standards

The Council discussed permits and standards for shipping containers (conex). The Mayor explained that some felt no building permits were needed for them. Dan Snyder expressed concern about someone just dumping it on a property line and leaving it for the neighbors to look at. He felt setbacks needed to be followed. The Mayor stated that the ordinance was a little vague. After discussion the Council agreed that no permits were needed.

c. Discuss Mayors Walk and Honoring WW1 Veterans.

Mayor Matt Spendlove explained that there would be a Mayor's Walk honoring WW1 veterans. He stated that the host did not need to be the Mayor, but preferably someone with a deep historical knowledge. The Council asked that if someone would like to volunteer, let the office know. No volunteers were named and no decision was made.

d. Discuss Pocketville Road solutions

The Mayor stated that he had been present at a meeting of residents of Pocketville Road. They were concerned about the traffic and the speeding on that road. Some ideas that were discussed were to install a new sign on the highway directing traffic to the new Kolob Road,

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, September 26, 2018

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114 So. Mill Street, Virgin, Utah

installing speed bumps, stop signs, and even a gate. Mayor Spendlove reported that he had spoken with the town attorney, who had said because of liability and possible lawsuits speed bumps and gates were not doable. The town staff/officials had agreed to try stop signs and also update Google maps to begin with. This way drivers had to slow down, stop and not travel so fast. Gene Garate had been assigned to update Google Maps. Dan Snyder felt this was the problem, because tourists did not know exactly where they were going.

Rod Mills suggested that upgrades to the road could be made as maintenance was done. Mayor Spendlove remind Mr. Mills that Jay Lee was in charge of town roads if those things needed to be discussed.

Sean Amodt stated that Pocketville Road had not been fully dedicated to the town and needed to be.

* Mayor Spendlove reported that the old Scholfield home contractors, which was being remodeled by the park, had discovered when having it surveyed that the lines were off a long way. They had asked the town to get involved. Mayor Spendlove had spoken to Attorney Snow, who had said the only way the town could do anything about the issue was if it had been a platted subdivision. This was a civil matter between neighbors because it had never been platted. Rod Mills stated that the County surveyor had precedence on matters like this.

* Mayor Matt Spendlove stated that most people had heard the post office was going to close in November. He had called the post office officials in Salt Lake City and Colorado to find some answers. If no one took the contract over, Virgin's mail would go to LaVerkin. A new proposal or contract was needed in order to keep the mail here. Post Office officials like to keep residents mail in their town and would be willing to help with grants to build a new building. The Mayor asked that if anyone was interested, please submit a proposal. It had been suggested that the town take the contract, but there was no where to put the mailboxes. The mailboxes were the property of the postal service and could go to the new location. It was stated that Lee Ballard knew it was a very short time frame and that was why she would let the new contract use her building for a short period.

The Mayor reported that the delivery man was also retiring. Jay Lee suggested that old fire station would be perfect for a post office, but the new station would need to be build first.

B. REGULAR MEETING

7:00 PM

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove began the meeting at 7:04 pm.

2. Invocation/Pledge of Allegiance

The Invocation was given by Kevin Stout and the Pledge of Allegiance was led by Jay Lee.

3. Declaration of Conflict of Interest

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, September 26, 2018

6:30 pm

114 So. Mill Street, Virgin, Utah

Matt Spendlove stated he had a conflict with the Munn's, item 13.

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

5. July and August Checks and Invoices

6. August 22, 2018 Regular Meeting Draft Minutes

Dan Snyder moved to approve items 5 and 6. 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.

7. Photo Contest Winner Announcement.

The Council agreed to let the Mayor decide which photo(s) to use in the General Plan. They liked the idea of using the old photo of the town taken in 1907 and the new photo (taken in the same location as the old one) in order to compare. It was also suggested that several photos be used throughout the document.

8. HTS Event Coordinator bid awarded.

Mayor Spendlove stated that the Council was not ready to award a Heritage Town Square Event Coordinator bid. He reported that a few applications had been submitted, but the Council had not reviewed or discussed them.

9. Possible approval of Ordinance 2018-27 to repeal Ordinance 2018-10 an Ord to re open and amend VULU Ch. 21) and remove Proposition 2018-3 from the November Ballot.

The Mayor stated that this item would repeal Chapter 21. He reviewed reviewed the history of Ordinance 2018-10: which had been approved several months ago, followed by a referendum, and then the referendum had been repealed. The way the Ordinance 2008-27 was written, it would put the Ordinance 2018-10 back to the way Chapter 21 was originally written. Now that campgrounds were allowed in Chapter 22 (Highway Resort Zone), he did not see any reason to have two camp zones. If approved, 2018-27 would put Chapter 21 back to the non-use ordinance it had originally been. Attorney Snow had reviewed the ordinance and agreed it would repeal the ordinance and put it back on the shelf. Dan Snyder asked about the third whereas. The Mayor reported that Attorney Snow had said it could be left in or be taken out. Either way the Ordinance would still achieve the same thing.

Dan Snyder moved to approve Ordinance 2018-27 to repeal Ordinance 2018-10. 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 was approved unanimously.

10. Possible approval of P&Z recommendation to approve Ordinance 2018-21

FINAL MINUTES

**VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, September 26, 2018
6:30 pm
114 So. Mill Street, Virgin, Utah**

amending VULU Ch. 8 and 22.

The Mayor explained that the amendment modified the standards for commercial co-habitation and conditional use permits. It only included businesses that were located in the house or someone that was renting another room out of another business.

LeRoy Thompson moved to approve the P&Z recommendation to approve Ordinance 2018-21 amending VULU Chapter 8 and 22. 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 was approved unanimously.

11. Possible approval of Ordinance 2018-31 to Disconnect Smith Mesa Road from Virgin Town Boundaries

The Council reviewed the Ordinance to disconnect the Mesa Road from Virgin Town boundaries. A map would be submitted with the ordinance to the attorney general's office, who then signed off and inform the county.

LeRoy Thompson moved to approve item #11, Ordinance 2018-31 to disconnect the Smith's Mesa Road from Virgin Town Boundaries. 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 was approved unanimously.

12. Possible approval of Ordinance 2018-32 Adopting the 2018 Updated General Plan

The Council discussed the General Plan. Rod Mills clarified that the maps had not been changed since the August work meeting and that no changes had been made since the regular August meeting, however, some significant changes in tone had been made throughout the process. LeRoy Thompson mentioned that the internal notes should be taken out before the final document was published. The Council unanimously adopted the 2018 General Plan, with the picture(s) to be inserted at a later time.

Kevin Stout moved to approve item 12, Ordinance 2018-32 adopting the 2018 Updated General Plan, with the new picture(s) to replace the one that were on the draft. 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.

13. Possible approval of P&Z recommendation to approve Final Plat for Zion Sunset Villas with the condition it is not able to be recorded until final approval from the Town Attorney, Town Engineer and any State or County approvals needed.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, September 26, 2018

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114 So. Mill Street, Virgin, Utah

The Council reviewed the Final Plat of Zion Sunset Villas. They understood that the Mayor, the Zoning Administrator, the county/state, Attorney and Engineer needed to sign off on the plans. Kevin Stout asked if the construction drawings had been completed and turned into the office. Jared Westhoff replied yes, and the changes had been made to the asphalt, etc. Rod Mills reported that some comments had come back from the County engineer, but they could be easily resolved.

Kevin Stout moved to approve item 13, the Final Plat for Zion Sunset Villas, with the condition that it is signed off by the Town Engineer, Mayor, Attorney, and Zoning Administrator. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Abstain. The motion passed with one abstain.

14. Open Forum: Limit 2 minutes per speaker

* Paul Luwe stated that he was a resident who lived on Pocketville Road. He was in favor of the plans on the road so far because it would cost less money. He understood where the attorney was coming from concerning speed bumps, however, he had seen speed bumps used in Sacramento and Boulder City. He had not seen any liability come from speed bumps in either city. In fact he felt the bumps had changed the driving habits of the people. The cities had also included speed bumps as part of their general road plan, so they must have worked. If the stop signs and other measures did not work, the neighbors would want to look at alternatives. The two issues were speed and the amount and type of traffic. Studies had shown that people just speed to the next stop sign, so perhaps the other ideas would need to be used. Mr. Luwe volunteered to gather data and supply it to the town attorney if speed bumps were discussed in the future.

* Richard Holmes, from the Washington County School District, was present to discuss the bond that would be on the November ballot. The bond would be for \$125 million. It had nothing to do with the gas tax that would also be on the ballot. This bond would pay for improving safety issues at each school in the district and building a new technical high school for kids who would be certified in their field (electrician, health services, computer tech, etc.) upon graduation. Building a school of this type cost less and would help reduce the overcrowding in the current high schools. The District was very good at paying off their bonds. He also reported that the last bond had been passed about 5 years ago and had been for building new schools. This bond had been for \$180 million. He asked that citizens vote for the bond.

* Cameron Spendlove stated that the Council may need to look at the Business License Ordinance. He was concerned about the standard that required a Conditional Use Permit for all businesses. Many businesses were operating without one and they would be coming up for renewal in January. Jay Lee agreed that not all businesses needed a CUP and the ordinance needed to be updated.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING WEDNESDAY, September 26, 2018 6:30 pm 114 So. Mill Street, Virgin, Utah

* Dina Moore praised the P & Z, Rod Mills, and the Council for completing the General Plan in just 8 months. This had not been done in the last four years by the last administration. She then read a prepared statement stating that the town was being choked to death by Conditional Use Permits. This statement is included with the minutes.

* Jared Westhoff thanked the town for working on the Zion Sunset Villas application, both the P&Z and the Council. He explained that he had a daughter that was a freshman in college and she was in elementary school when he had made application for the first time. He stated that the plans then were almost identical to the ones approved at tonight's meeting. He had had close to 4 million dollars locked up for approximately 10 years. It was a big deal to him to see the town being run so professionally. He then stated that pre 1995 ordinances listed permitted uses. This allowed the property owner to think through what was allowed and submit the proper plans. He felt that when Sydney Fonsbeck began running the League of City and Towns the conditional uses were pushed on small towns. He felt this was very un-American. He stated that he had not been able to use his property rights for years and it meant a lot to him that he was not able to use his ground. He thanked the town.

* Stu Ferber also thanked the town for making his building process a great experience. He stated that the hotel was about 2 months away from opening. The opening date was scheduled for December 3. There would be an open house and the entire town would be invited. The rooms were all carpeted and waiting for furniture. He felt that the sewer system would be phenomenal. He felt it would spit out almost drinkable water, which would be used for irrigation. He suggested the town look at taking on the post office. He reported that he was still considering a gas station sometime in the future.

* Dina Moore asked who was in charge of mowing along SR-9. She stated she would be contacting them about the overgrowth of weeds. Rod Mills stated that UDOT was in charge of that and then gave her the contact information.

15. Council Comments:

* LeRoy Thompson felt that the permitted uses versus non permitted use should be looked into.

* Jay Lee asked if Mesa View Estates had two exits. It was clarified that yes, it did. The road made a loop, but would come out in two places.

* Mayor Matt Spendlove stated that he had attended training(s) where elected officials were being taught to use permitted uses not conditional uses. He was in full agreement that permitted uses were a better set-up.

16. Possible motion to hold an Executive Session.

No executive session was needed.

C. ADJOURN PUBLIC MEETING:

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, September 26, 2018

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17. Approve Motion to Adjourn Public Meeting.

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

The meeting adjourned at 8:20 pm.

Monica Bowcutt
Town Clerk

Approved:_____