

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING WEDNESDAY, October 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
Heath Snow, Town Attorney
Lorraine Bacis Cindy Rodinos
Lesa Sandberg George Rodinos
Sean Amodt Cameron Spendlove
Dina Moore Bruce Densley
Darcey Spendlove

A. WORK MEETING 6:30 PM

Mayor Spendlove called the meeting to order at 6:30 pm.

a. Discuss Speed Sign to be bought with \$4500.00 Impact Fees.

Mayor Spendlove reported that \$4,500 of public safety impact fees needed to be used in order to comply with state code. Chris Holm, Maintenance Supervisor, had suggested that a portable speed sign be purchased with this money. This speed sign would also be able to count cars and was solar powered. The Council agreed this would be a beneficial purchase.

b. Discuss US Postal Service Contract.

The Town Council discussed post office services. The Mayor reported the town was prepared to submit a bid for \$42,000 a year to maintain the post office service. This amount would cover one full time employee (30 hour week at \$15 an hour), one substitute/part-time employee, insurance, utilities, remodeling the town office, and \$1,100 a month rent. The postal service would pay the town to manage the post office. The proposed plan was to partner with Hurricane Valley Fire District to build a new town office and fire station on the land donated by K&K, which fronts SR-9. The post office would then be located in what is now the town office, after a little remodeling. Lee Ballard, owner of the current post office, would rent the building to the town for up to a year. If the town's bid was accepted, work on the new town office/fire station would begin immediately.

Kevin Stout felt the bid did not include enough money to pay all the required governmental taxes for a full-time employee and still earn \$15 an hour. He suggested using \$15 as the base rate, which allowed for the taxes to be paid.

Attorney Heath Snow explained that providing a postal service was not normally a defined governmental function for a municipality in Utah. The town could operate it as for-profit, but could not operate at a loss because then taxpayer money would need to be used to subsidize.

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The town needed to be careful in providing this service for the citizens.

Town Clerk, Monica Bowcutt, read the bid amounts line by line. It was stated that changes to the contract could be applied for every 2 years and the contract could be terminated at any time. The clerk also explained that many people felt it was the town's job to provide postal services.

The Council Members agreed that the amount for taxes should be verified before the bid was submitted. Attorney Heath Snow figured out the rent by square footage, which came out to be very fair. The Mayor then reported that Gary Zabriskie, from the 5 Counties Association, was ready and willing to help get a grant or low interest loan to fund the new town office.

* Mayor Spendlove reported that he had asked Dina Moore to help write grants for the town. Ms. Moore stated that she had attended a training where she had met Gary Zabriskie. Mr. Zabriskie was very excited to help the town get a new town hall and had suggested he could push things up to meet the one year deadline. The Mayor stated he would be in contact with Mr. Zabriskie.

* Mayor Matt Spendlove stated he had held a meeting with Hurricane Valley Fire Chief Kuhlman, who was excited to begin a partnership on the new building. The Mayor asked Bruce Densley, as he attended the fire board meetings, to keep reminding Chief Kuhlman of the project. The Mayor also explained that the donation contract with K&K did not specify 'only' a fire station could be used on the donated land. Several different avenues of funding sources would be explored and hopefully used. He then reported that a rough estimate for a new building was \$600,000, which included a parking lot, landscaping, and a large building. Bruce Densley stated it would be wise to plan for 15 or 20 years, in order to prepare for growth. This would include the space to possibly add a second bay for more fire trucks.

B. REGULAR MEETING

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:04 pm.

2. Invocation/Pledge of Allegiance

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

3. Declaration of Conflict of Interest

No conflicts of interest were disclosed.

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

5. September 2018 Checks and Invoices

Kevin Stout clarified that the check to Tony Matthews was for a construction meter refund.

6. September 26, 2018 TC Meeting Draft Minutes

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Jay Lee stated that he had already given a few typo corrections to Monica Bowcutt. LeRoy Thompson noted that the town was spending less than they were making.

Dan Snyder moved to approve items 5 and 6 with the changes to the minutes that had been made by Jay Lee. 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.

PUBLIC HEARING Motion to CLOSE the Public Meeting and OPEN the Public Hearing:

Accepting input from the public on the following item:

ORDINANCE #2018-30

AN ORDINANCE ESTABLISHING RULES, REGULATIONS, AND CONTROLS FOR THE LICENSING OF BUSINESSES WITHIN THE CORPORATE LIMITS OF VIRGIN TOWN.

LeRoy Thompson moved to close the public meeting and open the public hearing. Jay Lee gave the second. No roll call vote was taken. The vote was unanimous in favor.

Mayor Spendlove stated the public hearing was on the Business License Ordinance. There was only one change, on page 2, which let the staff decide if a Conditional Use Permit was required, instead of requiring it of every applicant.

* Dina Moore stated she had made some suggestions on the ordinance, which she had submitted to Misti Baird, Deputy Clerk, earlier in the day. These changes included definitions and other minor clarifications, so they could be discussed at a later time.

* Sean Amodt clarified that this was an additional fix to what the P & Z was working on in Chapter 8, under Conditional Uses.

* Cameron Spendlove stated the change fixed the issue that could have become a problem.

* Attorney Heath Snow stated that as long as the staff had the ability to require a Conditional Use Permit, especially if it was a really intensive use, this would also work as a protection to the property owner. This would be the case if an applicant was required to do a lot of costly improvements to mitigate effects on neighboring property owners. The land owner would want to know that the permit was a conditional permit, which ran with the land, as opposed to a business permit, which was renewable every year.

Kevin Stout moved to close the public hearing and reopen the public meeting. Dan Snyder gave the second. No roll call vote was taken. The

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vote was unanimously approved.

REGULAR MEETING

7. Review with possible approval of P&Z Recommendation to approve Ordinance 2018-30.

Kevin Stout stated this was a great change for many businesses. It made it possible to obtain a permit without jumping through all the hoops and steps. This was good for a business that was located inside the motel, for example.

Dan Snyder moved to approve the P & Z recommendation Ordinance #2018-30. 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 was approved unanimously.

8. Review with possible approval of Limited Temporary Habitation Application-Bacis.

Lorraine Bacis was present asking for a Limited Temporary Permit for her home being built in Desert Gardens. She stated that her contractor had said the new house would be completed by the end of September. In anticipation that the house would not be completed on time, she had reserved a spot at Willow Wind RV Park until the end of October. This RV park was completely booked full until sometime in the spring, so she was unable to stay there longer. She asked that the Council allow her to live on her property until the home was completed, hopefully no more than a month.

The Mayor clarified that she was not the owner/builder as the ordinance required of Limited Temporary Permits. Attorney Snow added that the ordinance had a hardship exception for the owner builder, but not when contractors were involved. He cautioned that whatever was decided, a precedent would be set for the future. Also, the subdivision CC&R's may be an issue. The Council and citizens gave suggestions on where the Bacis's could live in their RV or other RV parks to check for openings. The Council all wanted to grant the request, but felt the ordinance needed to be followed.

Dan Snyder moved to deny the Limited Temporary Habitation Application for Bacis in Desert Gardens. Matt Spendlove gave the second. No roll call vote. The motion was approved unanimously.

9. Approval of purchase of Speed Sign with \$4,500 impact fees.

The Council unanimously approved the motion to approve the purchase of a speed sign using \$4,500 of public safety impact fees, with the sign costing approximately \$5,500.

LeRoy Thompson moved to approve item 9 the purchase a speed

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sign costing approximately \$4,500. Jay Lee gave the second.

Attorney Heath Snow suggested that a 'not to exceed' clause be added to the motion. Mayor Matt Spendlove and Monica Bowcutt clarified that the amount that needed to be spent was \$4,500, but the amount of the sign was \$5,500.

LeRoy Thompson moved to approve the purchase of a speed sign using \$4,500 of impact fees, with the sign costing approximately \$5,500. 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.

10. Open Forum: Limit 2 minutes per speaker

* Bruce Densley reported that the Fire District had assigned one member to work with the search and rescue and one other member to serve on the bomb squad. There would be a new fire engine located at the Springdale station. He was happy to see work on the passing lanes above Virgin going on. He suggested the Council begin working on what they would like to happen in the middle of town. It took several years to get UDOT to begin working on a project. He suggested starting the conversation now.

* George Rodinos stated that so much was going on in the County today and things seemed to be getting crazier and crazier. A few weeks ago he had had friends over to the house to have dinner. The first purpose of the dinner was to show some stability and neighborly interactions. It seemed to him that people had lost the ability to interact. It used to be not a big deal to go over and have dinner with someone. The second reason for the dinner was to sit down and talk civilly and try to find some common ground. He felt it was unfortunate that the town was divided. He continued that elections were coming up and yes, there were issues. He would like to see more civility from all the residents of the town, on both sides. Two suggestions he wished to make were 1) Some ordinances were difficult to understand, which left them to interpretation. This caused sides to be created. Perhaps the town's ordinances needed to be revisited and simplified. 2) Word should get out to all the citizens that the freedoms we have (freedom of speech, etc.) should not be abused. He had personally witnessed statements and situations that were not right. They were lies. Both sides had made accusations which were not true. People should be put on notice that legal action could be taken if you slander and/or mislead. He thought this might grant a little more civility to people, so they don't just out-of-the-blue throw stuff out and put signs up in public places (like the post office, as an example). This was totally not in line. 3) In the 50's this town was in poverty. Life magazine interviewed Dallen Spendlove about the hard times. It was amazing that over just a couple of generations the town had grown, had raised its children through college, improved on vehicles, machinery, and homes. There had been progress in a very step-by-step and sweat-of-the-brow way. He felt residents should take a good look at the way these people had done it. He pointed out that these same families were continuing to grow. Many of the parents had a concern about their family's future. Part of their future

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depended on how this city grew. Years ago, the city elders, had made some decisions that allowed residential expansion. Mr. Rodinos stated he lived in one of those areas, Desert Gardens. He and his wife were new comers, only being in town for 10 years. They had not seen the struggles that had existed and had been overcome through the years. He just saw what the town was today. These forefathers could have chosen to go commercial way back then, allowing no residential, which made a lot more business sense because the taxation was better. None the less, the town was where it was today and having the issues it had. We all hoped this election resolved the issues. If anybody had not made up their mind yet, Mr. Rodinos asked that people take into consideration the wisdom of these people and the experience they have had over the decades. First, find a way to work with somebody instead of coming from the outside and throwing all the resistance up. Everybody has a right to vote and to speak up. However, there was some sensibility to being civil and from learning from the community that had existed and had grown and wanted to grow.

* Dina Moore stated she agreed with Mr. Rodinos. The P & Z was working to simplify the ordinances. She had also been confronted by people about things going on. She agreed that the lies were wrong. She did not know what the answer was, perhaps inviting neighbors over to dinner or even asking people to think before they spoke.

* Bruce Densley stated that it was frightening to think about the nation that had existed for so long without being ruled by mobs over disagreements. People solved their differences at the ballot box. He felt that if the time came when people resorted to physical mobs, America would become a third world country. We would lose what made the country great. If we lost the civility of solving strong disagreements, our nation was going down the tubes. He felt we were only one generation away from that. It was imperative that people understood that while they own a piece of land, they were not in a position to tell everybody else that it was 'my way or no way'. Mr. Densley agreed with George's concerns about what the nation was resorting to in order to get their way.

* Lesa Sandberg stated that her daughter had been working for a group from Dixie College. They had money which they would like to invest in area communities. This group had tasked her daughter's team with going through the local city's ordinances (business licensing, etc.) to see where they could invest and maybe build some businesses. Lesa stated that her daughter had told her after the study that Virgin was the worst municipality and they would not put any money here. She recommended that the town clear up the ordinances and make it easier to own a business in Virgin. Ms. Sandberg had four businesses in St. George and her business license was \$50. She did not have to go through all the hoops to get a license. The town needed to make it easier to build and establish what people wanted to do. The college team looked at the ordinances and what was allowed and said forget Virgin. There was no zoning and no place to do what they would like to do. The CUP was killing the town. The company had said we can only do it if its on this list, so they went away not investing any money. Ms. Sandberg was sad that Virgin would miss out on that because it was too hard to come here. It was also reported that the application process was too hard and the pricing was not

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comparable to the rest of the County.

* Monica Bowcutt explained that codification was a process where a company takes every ordinance that has ever been written and organizes them, figures out which ones repeal others, and which ones supersede others. She was happy to announce the town was about one month away from beginning that process. It would take six months to a year to get it done. She stated that it would help with the organization and simplifying of ordinances. LeRoy Thompson added that the P & Z had been asked to review and simplify all the ordinances. Monica then stated that many residents had come into the office who had already voted, or were ready to vote, who had not read the ordinances. She asked that people tell their friends and neighbors to read the ordinances. She could not believe people would vote who had not read what they were voting on.

11. Council Comments:

* LeRoy Thompson asked residents to do their research before they voted and then vote. This included the state and county elections also. He suggested that citizens look at the people who were running and vote for the people who had their views in mind.

* Jay Lee stated that he had read an article that said "do not vote unless you are informed". He stated he had brought extra eggs if anyone want to take some home.

* Dan Snyder affirmed that the County had made the move to absorb Springdale and Rockville into the Hurricane Valley Fire District.

* Kevin Stout commended P & Z for their job in clearing up the ordinances, which could not be accomplished overnight. He felt they were doing a great job and headed in the right direction.

* Mayor Matt Spendlove stated that he had sat on P & Z for two years and then Town Council for another two years. His biggest frustration was that he could not read the ordinances and understand them. None of them. When he had been elected, one of his goals was to clean up the ordinances, so everyone could understand them.

Mayor Spendlove then stated for the record, that the signs on the roads and the mailers going into mailboxes about the election was nothing to do with him. He had listened to comments from several citizens that it was all his doing. That was not true. None of it was his doing.

Another thing he wanted on the record was that he did not like all the lies and deceiving that going around. He had heard from people that he had big projects planned that were approved under the table. These things were untrue. Mayor Spendlove stated that it hurt him that the town had come to this point. For the record, he wanted everyone to know that himself personally, nor the town, had put signs up or sent mailers out. It was nothing to do with him. What was being done was the citizens of the town.

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Dan Snyder moved to adjourn.

12. Possible motion to hold an Executive Session.

Dan Snyder moved to table item number 12. LeRoy Thompson gave the second. No roll call vote. The motion was unanimously approved.

C. ADJOURN PUBLIC MEETING:

13. Approve Motion to Adjourn Public Meeting.

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

The meeting adjourned at 7:51 pm.

Monica Bowcutt
Town Clerk

Approved:_____