

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, November 28, 2018

6:30 pm

114 So. Mill Street, Virgin, Utah

would pay for the new water tank, much needed improvements to water lines and other water infrastructure. Mr. Mills estimated the new cement tank would cost about \$500,000. It would be partially buried, which would help it to last a lot longer, although soil samples had not yet been taken.

Mayor Spendlove reported that the town staff had met with UDOT, who would not allow digging through SR-9 to make these water line improvements. Research had been done, finding that it was \$60,000 to \$100,000 to bore 80 feet under the highway. UDOT would perhaps allow digging the pavement, if the town tried three times to bore with no success. There were two separate places that needed to be bored, which increased the price.

The proposed type, size, and design of the tank was discussed in detail. The town had also approached the BLM about an easement, or perhaps a long term lease, for the tank location. No further details had been discussed with the BLM.

* Dan Snyder reported that he had attended the Washington County Solid Waste District Meeting. The recycling program would continue to be funded and there would not be a 25% increase as proposed. The District had been alerted that there was around 7 million dollars of unallocated funds that could be applied to the recycling program. The Board had also decided to contract with a different recycling company, who would not require separating materials and would not increase the charge.

* Kevin Stout stated he would like to get other Council Member's input on affordable housing. He had been asked multiple times if Virgin had a place to live for about \$50,000. Mayor Spendlove replied that if affordable housing was going to be done somewhere in town, the lot sizes must be reduced first. The new sewer systems could make this possible and Ron Thompson, from the Water District, was willing to work with the town on the water contract. Kevin Stout stated he did not think this type of housing was needed all over town, but there was a definite need. Attorney Snow stated that a new zoning district would need to be created and the sewer issue resolved. It was stated, that by the time the sewer system was paid for, the new home was not very affordable anymore. Council member Stout explained that new sewer systems (on a small scale) were now about \$15,000, while a septic tank was around \$8,000.

B. REGULAR MEETING

7:00 PM

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:01 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

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No conflicts of interest were disclosed.

- 4. Consent Agenda: Possible Approval of Items 5 and 6**
- 5. October 2018 Checks and Invoices**
- 6. October 24, 2018 Draft Minutes**

Dan Snyder moved to approve items 5 and 6 with no changes. Jay Lee 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. Open Forum: Limit 2 minutes per speaker

* Bruce Densley reported that all the wildfire land crews were back. The District had authorized the purchase of a \$60,000 tree chipper. This chipper would be used to help with fire mitigation. The District's crews would be paid for this service and would earn the money spent on the purchase back very quickly. The Coral Canyon fire station was not up and running just yet because Washington City was dragging their feet. The District was still working on a contract with the Rockville/Springdale area before they were fully absorbed into the District.

8. Discussion and possible approval of expenditure amount for Speed Sign (Total up to \$7,000 which includes \$4,500 from Police Impact Fees.

The Council agreed that amount should be raised to \$7,000.

Jay Lee moved to approve the expenditure and amount of \$7,000 for the purchase of a speed sign, with \$4,500 coming from police impact fees. 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.

Jay Lee stated he felt it was a good purchase.

9. Discussion and possible approval of Ordinance 2018-31: Disconnect of Mesa Road. An ordinance to disincorporate a parcel of property under the ownership of the Bureau of Land Management (BLM).

Monica Bowcutt, Town Clerk, reported that the surveyor thought he should have everything together within a few weeks. Mayor Spendlove stated he felt the ordinance should be tabled until December.

Jay Lee moved to tabled Disconnect of the Mesa Road until the next Town Council Meeting. 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 was approved

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unanimously.

10. Discussion with possible approval of P & Z recommendation to approve ORDINANCE 2018-33: An Ordinance Amending Chapter one of the Virgin Uniform Land Use Ordinances (“VULU”) to clarify the building permitting process.

Monica Bowcutt, Town Clerk, stated that two letters had been submitted to the town office, one of which had been requested to be read during the meeting. The letter from Paul Luwe was read by Kevin Stout, which urged the Council to vote against the ordinance in order to catch set back errors before the building was in place. This letter is attached to the minutes.

Cameron Spendlove, P&Z Commission Chairman, explained that the commission did not feel the zoning administrator needed to be burdened with every 'Home Depot shed' that citizens wanted to put in their back yard. The change only affected removable structures, not permanent ones. The structure also must be under 400 square feet and without utilities. Jay Lee felt there was not anything for the inspector to inspect because it was not permanent.

Town Clerk, Monica Bowcutt, wondered who was going to take care of problems, if the zoning administrator was not going to. She felt these structures would get out-of-control without him watching them. Attorney Snow felt that if there was an issue, it would not be hard or expensive to move the structure. Dan Snyder felt that if the zoning administrator noticed something that could be a problem, he could then enforce the ordinance. LeRoy Thompson felt that people should not need to get a permit, but these structures should be kept out of the set-back. Kevin Stout agreed and restated that the zoning administrator still had the authority to require the structure to be moved. Jay Lee felt the side and rear set-backs should be removed.

LeRoy Thompson moved to accept Ordinance #2018-33 as recommend by the P&Z Commission. Kevin Stout gave the second. Roll call vote: Jay Lee-Abstain; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved with one abstain.

11. Discussion with possible approval of P & Z recommendation to approve ORDINANCE 2018-34: an Ordinance restating Chapter Nine-Division of Land of the Virgin Uniform Land Use Ordinances (“VULU”).

Cameron Spendlove, P&Z Chairman, clarified that the major changes made were: removing the conservation subdivision portion because it was more stringent on restrictions and gave no bonuses for using it; timeline requirements had been added in; and the numbering process had been reorganized.

The Council went through concerns item by item. Items discussed were: design standards needed to remain in the ordinance; development yield analysis was needed to keep the

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environmentally sensitive land safe; the actual development yield analysis formula was not included; sidewalks and roads should be included in the open space formula; the conservation subdivision portion was still included and should be removed; designation as no-build areas because of hill sides, etc. made clustering allowed; pathways, trails, sidewalks, and shared septic systems could be counted as open space; escrow was required in bond form to ensure completion of public improvements; the warranty bond was set at 10 percent for two years; and the bond language was not included in the document as it should be.

LeRoy Thompson moved to table Ordinance #2018-34 and send it back to P & Z to work out according to the discussion. 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 unanimously approved.

Jay Lee mentioned that the open space requirement could not be found in the ordinance. The Mayor asked the P&Z Commission to look at the open space and yield density requirements.

12. Discussion and possible approval of a proclamation setting forth the total number of votes for and against Virgin Town Proposition 20 (a populous vote to accept or reject Virgin Ordinance 2018-07 expanding the eligibility area for the Town's Highway Resort Zone "HRZ") and declaring Virgin Ordinance 2018-07 rejected.

Attorney Snow stated that election code required that after a referendum had been put to ballot and at the conclusion of the counting and canvassing, the election official provided to the town clerk the official vote count. Then the governing body set forth by proclamation the number of votes for and against, making a declaration of whether it was accepted or rejected. Attorney Snow also clarified that at one point the town was given information that Proposition 20 had passed because of the tie, however, election code clearly stated that equal number of votes was deemed rejected. This also meant that Ordinance #2018-07 was repealed as of November 6, 2018.

LeRoy Thompson moved to approve proclamation #2018-01 for Proposition 20 election results that it was rejected. 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.

13. Discussion and possible approval of a proclamation setting forth the total number of votes for and against Virgin Town Proposition 21 (a populous vote to accept or reject Virgin Ordinance 2018-09 rezoning 80.258 acres of real property located South of SR-9 at approximately 393 West from Rural Residential "RR" to Highway Resort Zone "HRZ") and declaring Virgin Ordinance 2018-09 accepted.

Mayor Spendlove stated that the vote count on Proposition 21 was 204 for and 198 against.

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Attorney Snow explained that election code stated that the ordinance that expanded the eligibility area was passed, but not deemed repealed until the date of election. The expanded area was in existence at the time the rezone was passed.

Kevin Stout moved to accept the results from proposition 21, accept proclamation #2018-01 and authorize the Mayor to sign it. 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.

14. Council Comments: Remind regarding December TC Meeting being December 19, not December 26.

* Mayor Matt Spendlove stated that the December Town Council Meeting would be held on December 19, the third Wednesday, in order to avoid the Christmas Holiday.

* There would be a cookies and punch town social held after the December 19 meeting. Come to enjoy some visiting and bring cookies to share. Also, bring your families, friends and neighbors.

* LeRoy Thompson felt the staff and mayor were doing a good job with the expenses. The town was currently \$13,789 to the good, after the expenses and revenue. He stated the reason for that is the revenue was higher than expected.

* Mayor Spendlove thanked the citizens and voters of the town. He felt it showed how much people cared about the town. The election percentage was about a 91% turnout.

15. Possible Motion or CLOSE Public Meeting and ENTER into Executive Session.

No executive session was needed.

C. ADJOURN PUBLIC MEETING:

16. 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 8:01 pm.

Monica Bowcutt
Town Clerk

Approved:_____