

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 23, 2019

6:30 pm

114 S. Mill Street, Virgin, Utah

to put in a new water tank plus the lines to supply water to existing lines. The town would put \$400,000 forward to help with the project. Then the town must pay off \$400,000, at which time the State would forgive the other \$400,000. The total of the project was \$1.2 million and would cover some much-needed repairs to existing lines and electric read meters. This loan did not help with upgrades and other emergencies that would eventually come, therefore, it did not provide enough money to increase the water fund. The payment would be \$20,000 a year.

Impact fees and what projects they could be used for was then discussed in detail. LeRoy Thompson stated there was not enough money in the water fund to make the loan payment (plus fund repairs), so something had to be done to increase the fund. He suggested to make a plan to pay for one street a year, for example. Rod Mills stated that impact fees could be used to replace old water lines. Raising impact fees was one solution to increasing the water fund, but a study must be completed first. This study would cost about \$5,000. He explained the process and reasoning behind an impact fee study.

The Mayor explained that when the town introduced the tiered water rates, the goal was to increase the water fund, however, the fund had not been increasing. LeRoy Thompson stated that he felt the town should allocate the money to have the impact fee study done, so the town knew exactly how much to charge in order to increase the water fund. He felt also increasing the water rates needed to be done to protect the town. The details of this study and others that had recently been completed (water, sewer, and General Plan) were discussed. The impact fee study was required by law if the impact fees were going to be raised. Monica Bowcutt reviewed the current impacts fees and how much the town kept for maintenance and impact fees.

The Council agreed to come back to the February meeting with their thoughts and ideas for increasing the water fund and if the impact fee study should be done.

b. Discuss Mayor Pro-Tem and new P&Z Commissioner and Alternate

Mayor Spendlove stated the Council agreed that Kevin Stout should remain as the Mayor Pro Tem. He then stated the Bronwyn Gooch had agreed to serve on the Planning and Zoning.

c. Discuss Virgin Town 2019 Election

The Mayor explained that town staff felt elections should be put back in the hands the town. The ballots would still be mail-in, but a local polling place would be open on election day.

d. Discuss Parks Future Expenditures

The Mayor and Town Clerk reported that there was about \$60,000 in the park fund that needed to be spent. Not all of it needed to be spent at the same time, rather this was the total amount. Electrical for the BMX track, pickle ball courts, handicap accessible area at the park, shade for the playground equipment, new playground equipment, and corn hole game spot were the suggestions made. The Mayor asked that the Council bring their suggestions to

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the February meeting. He was eager to decide on and begin the project(s). The Mayor had asked Stout Concrete to submit an estimate to replace the cement at the tennis courts and add cement around the kitchen.

e. Discuss BMX Lighting

Mayor Spendlove reported that the BMX Committee asked that the Council approve purchasing lights for the track. The estimated cost of \$4,000 was in their account.

B. REGULAR MEETING

7:00 PM

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

3. Declaration of Conflict of Interest.

No conflicts were declared.

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

5. Review with possible approval of December 2018 Checks and Invoices.

6. Review with possible approval of December 28, 2018 Draft Minutes.

Jay Lee moved to approve items 5 and 6, the December 2018 Checks and Invoices and the December 28, 2018 Regular Meeting Draft Minutes. 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. Discussion and possible approval of Appointment of 2019 Mayor Pro-Tem.

Mayor Spendlove stated that the reappointment must be completed every January.

Matt Spendlove moved to appoint Kevin Stout to serve as the Mayor Pro-Tem for 2019. 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. Discussion and possible approval of Appointment of new Planning Commissioner.

Mayor Spendlove stated that Bronwyn Gooch was unable to attend the meeting, so he asked that her appointment to the P & Z be tabled.

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Dan Snyder moved to table item number 8. 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.

9. Discussion of and possible approval of Resolution #R2019-01 changing the location of future Elections to our Local Precinct in Virgin, not Washington County, and continuing the by mail form of Election, with the voting place being opened on Election Day only.

No discussion.

LeRoy Thompson moved to approve item number 9, to move the place of the election back to Virgin Town starting this year. 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. Discussion and possible approval of BMX purchase of lights at the cost of approximately \$3,200.00 with additional costs for electrician and boom to install.

The council did not want to leave the amount open ended. They felt \$5,000 would be sufficient funds.

LeRoy Thompson moved to approve lights for the BMX Track with the cost not to exceed \$5,000. 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.

11. Discussion and possible approval of P & Z recommendation to approve Ordinance 2019-1: amending and restating (VULU) Chapter 8-Section 8.14.6-Casita/Guest House.

Council members all stated they did not see anything that needed to be changed.

Dan Snyder moved to approve Ordinance 2019-1 amending and restating Chapter 8, Section 8.14.6. Kevin Stout gave the second.

Cameron Spendlove pointed out that there were changes besides Chapter 8. He did not know if that motion would carry. Changes had been made in several chapters in order to have them congruent. The changes were in chapters 8, 16, and 22. LeRoy Thompson stated that the motion would be acceptable because section 8.14.6 listed all the changes and their locations that had been made. The Council discussed the possibility of having to table the Ordinance, so it could be advertised correctly. Monica Bowcutt corrected the Council because all the changes were listed in section 8.14.6 which was on the agenda.

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Dan Snyder moved to approve Ordinance 2019-1 amending and restating Chapter 8, Section 8.14.6. and the Council was clear that it also covered Chapters 16 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.

12. Discussion and possible approval of a P & Z recommendation to approve Ordinance #2019-2 amending and restating (VULU) Chapter 8-Town Standards, Conditions, and Conditional Uses.

Mayor Spendlove stated the town attorney had recommended the item be tabled, so some wording could be changed, however, he had said the changes were not significant enough to warrant a new public hearing.

The Mayor explained that because this ordinance dealt with the Zoning Administrator position, he would also like to re-do that Ordinance at the same time. This amendment would require a public hearing.

LeRoy Thompson moved to table item number 12 Ordinance #2019-2 amending and restating (VULU) Chapter 8-Town Standards, Conditions, and Conditional Uses. 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.

13. Discussion and possible approval of P & Z recommendation to approve Ordinance #2019-3 An Ordinance Restating Chapter Twenty Commercial Zone. ("VULU").

The Mayor explained that many of the conditional uses had been changed to permitted uses. He stated that he would also like to add food trucks as a permitted use with the standards being the Heath Department and State Codes.

Kevin Stout stated he wanted to remove RV Parks from the Commercial Zone (20.5.8). He felt there were enough of these parks town (or on the way), there were other areas in town that RV parks could be located, and the last referendum showed that people did not want them on the west end of town. He also stated K&K, who owned property in that area, would rather not have them on the north side of the highway. Mayor Spendlove replied that there was only one RV park in town and there was no reason to include hotels/motels either, if that was the reasoning.

The current and proposed location of the Commercial Zone was briefly reviewed. Jay Lee stated that years ago the town had decided that every commercial business on the west side

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of town be required to have a western look/theme to it. He thought it would be good to have all the businesses listed but require a western look to them. The Council discussed options and opinions on RV parks. Dan Snyder stated that it had been the vision for a while that those types of businesses were all located on the east side of town, closer to the Park. The Council agreed that the Commercial and Highway Resort Zones should both be located on the highway, with the residents behind. LeRoy Thompson felt that if the town was trying to grow the Commercial Zone, there must be a place for people to stay in order to use the Commercial Zone. He felt hotels and RV parks would generate other types of commercial businesses. Mayor Spendlove felt there were several uses that needed to be in both zones (shuttle stops for example). Kevin Stout again stated 50 percent of the town's people did not want RV parks on that side of town/road. He added that his family owned most of the land in that area and they did not want RV parks. Also, Council Member Stout felt hotels were a little less obtrusive than RV Parks because the people were gone most of the day and the height restriction would keep the buildings smaller. Mayor Spendlove disagreed, stating trees hid most of the Zion River RV Park. Dan Snyder mentioned that RV parks brought ATV's, while motels did not.

Cameron Spendlove clarified that Bed and Breakfasts were included in the Commercial Zone under the definition of hotels/motels. Additionally, residents could own a business and live there (or a designated employee), but could not own a business, live there, and rent out a room(s) to employees.

The motion was made to approve the ordinance as written by the P & Z, except adding food trucks as a permitted use. The motion failed with Kevin Stout, Dan Snyder and Jay Lee voting no because they did not want RV's in the zone. Another motion was made to approve the ordinance but delete RV parks out and add food trucks as a permitted use. The motion passed on a split vote, with Matt Spendlove and LeRoy Thompson voting no.

Matt Spendlove moved to approve the ordinance as written by the P & Z but adding food trucks as a permitted use. LeRoy Thompson gave the second. Roll call vote: Jay Lee-No; Dan Snyder-No; Kevin Stout-No; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion failed.

Kevin Stout moved to passed item 13 Ordinance 2019-3, adding food trucks as a permitted use, and delete the section 20.5.8. Dan Snyder gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-No; and Mayor, Matthew Spendlove-No. The motion was approved on a split vote.

14. Discussion and possible approval of P & Z recommendation to approve Ordinance #2019-4 replacing and restating (VULU) Chapter 13-Recreational Vehicles and Travel Trailers. (VULU").

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Mayor Spendlove explained the changes were dealing with home owners and contractors being able to live on the lot while their home was being built.

Allen Lee, P & Z member, clarified that they could only live there only seven days before construction began.

Matt Spendlove felt that the number of RV's allowed needed to be changed because "one RV per acre" was going to be too many for large pieces of land (section 13.2.2.e). The Council agreed that the ordinance should be changed to cap the number of RV's at 5 per project, whichever was less.

LeRoy Thompson moved to approve item number 14 Ordinance number 2019-4 replacing and restating Chapter 13-Recreational Vehicles and Travel Trailers and to amend section 13.2.2.e to read one per acre not exceed 5 per job. 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.

15. Discussion and possible approval of P & Z recommendation to approve Conditional Use Permit for parcel number V-2148-B-2 & V-2142 located adjacent to 1240 E. SR9 Virgin, UT. (with stipulation that everything must have final approval from Virgin Town Zoning Administrator, Attorney and Engineer. Such as sewer and storm drainage.) I just added this to your agenda TC members as a FYI...

Mayor Spendlove reported this project was named Zion River Resort. The P & Z had found that the applicants met all the conditions and zone requirements. The Mayor stated that if a CUP was approved, it must include the stipulation that everything must have final approval from the Virgin Town Zoning Administrator, Attorney and Engineer, for sewer and storm drainage, etc.

Mayor Spendlove stated he was concerned about the water issue because there was not adequate flow at the location. The attorney had instructed that the project could not begin until there was adequate water there to use. For this to happen, the new tank, larger lines, and looping the lines must be done. The hydrants are not testing out at the location. The landowners could spend their own money to bring the water up to standard or wait until the town completed the project.

LeRoy Thompson moved to approve item #15, a conditional use permit for parcel number V-2148-B-2 & V-2142 located adjacent to 1240 E. SR9 Virgin, Utah with the stipulation that everything must have final approval from Virgin Town Zoning Administrator, Attorney and Engineer, such as sewer and storm drainage and that Zion RV Resort be approved on the additional condition that no

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construction could commence on the project unless and until sufficient culinary water infrastructure (as determined by the Town's engineer) was constructed and operational up to the project's 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.

16. Open Forum: Limit 2 minutes per speaker

* Sean Amodt stated that Michael Lau would like to submit a skate park proposal. He understood that all ordinances and liability contracts must be met. Mr. Amodt suggested that this be added to the list of potential projects the park impact fee money could be used for.

* Mark Savee reported that there were over 300 signatures on the Post Office petition. It would be available until January 31, at which time, he assumed the Council would endorse a cover letter. The packet would then be sent to area post offices, the District Office, the Contract Office in Denver, and the Post Master General in Philadelphia (or Washington). The petition was asking the Post Office Department to send a representative to Virgin to participate in an open meeting with citizens. He was hoping they would not ignore that over 300 people (out of 251 box holders) had signed the petition. Monica Bowcutt reported that the out-going mail collection box would be placed at the south end of the town park within the next month, along with the bulletin board. Mr. Savee continued by stating he had noticed a political and ideological polarization going on in town. He stated there were some people who thought the town belonged to them because they, or their family, had been here a long time. He paraphrased from the Bible (Matthew Chapter 20), the Parable of the Laborers. He suggested this story would shed some light on what was going on in Virgin, especially with those who thought they should get more because they had been here longer. Mr. Savee quoted the end of the parable by stating "the last shall come first and first shall come last".

* Debra Masefield stated she had been a resident of Virgin since 2010 and a resident in the canyon for 17 years. She expressed thanks for the new collection box, bulletin board and also Mr. Savee's comments. Then she commented that the commercial zone was about how it all came off and she did not want to end up being like Springdale. She stated that she did not go to Springdale anymore and all her friends were moving out because it had become a second home to commercial hotels and such. She understood they were income for the town, but it would be sad to see Virgin go down that road.

* Justin Mabey, with the RV park that was approved earlier, asked about the water issue. He clarified that the Council had not decided to go ahead with the Impact Fee Study for at least another thirty days, followed by the study, notices, and approving it. That added up to a long time. He had had discussions with town staff and officials, who he felt were in favor of getting the project completed but did not get that idea tonight. He was worried that the voting tonight was delay, delay, delay. Mayor Spendlove explained that the town must first have an easement with the BLM for the new tanks location, which was impossible until the

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government opened back up. The town could not spend any of their \$400,000 because of the way the loan documents were written. Mr. Mabey was taken back with the wording of the motion that no construction could begin until all improvements were completed. Mayor Spendlove and Rod Mills explained that they had to go through the checklist before any funds could be released.

- * Cameron Spendlove reported he had done some informal research on area water rates and found that Virgin was quite low comparatively. He also stated that he did not like the tiered system because it was too progressive. He felt the base rate should be increased, while decreasing the tiers. It wasn't fair for those who used more, but not those using excessive amounts.
- * Dan Roberts, with the RV park, stated that with the Marriott project and this new RV park, it would pay the \$20,000 owed for the new loan. He then offered to pre-pay some of their impact fees to allow Rod Mills to begin the Impact Fee study.
- * Neil Thomas stated that there had been a lot of media coverage about climate change and rainfall. He reported that there was a lot less rain fall than was normal. He suggested that the County be asked where the water source was going to come from and what the scenario was for 5, 10, or 20 years. This water supply would have a dramatic effect on what happened in the town. Having the pipes there was one thing, while actually having water in them was another. He asked that the town go back to the suppliers and find out what was going to happen over the next years. Find out what the plan was. He then stated that he came from a country divided, with two sides going bananas, and accomplishing absolutely nothing. He came to this town, where the people were brilliant and fantastic, but he sensed a division related to how this town developed and moved forward. The referendums highlighted the fact that there were two enhanced differences. He proposed that the town look to a third party to bring in fresh ideas of how to develop the town. This group of people would see what the vision really looked like, by discussing the different options and brought people together. Mr. Thomas stated that the Council was looking after the thoughts of everyone, not just half of the town. He thought this was a way to start bringing people together and breaking down some of the barriers.
- * Bonnie Timmerman thanked Kevin for speaking out about RV parks. It was a division and she was glad to see that the town had taken it out of the Commercial Zone. She stated she was not against progress for Virgin, she was not against businesses and understood they were needed. She was for controlled growth, so Virgin did not end up like Springdale, with just commercial, commercial, commercial. Virgin was a family town. People that had moved here did not have family here but felt like they were part of the town and would like to be family and like to get along. Newcomers would like to be part of the town but felt like they had been pushed away. She felt taking RV parks out of the Commercial Zone was a step forward and thanked the Council. Hopefully it would help.

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* Mark Savee stated that in Native American culture there was a belief that the land did not belong to the people, but the people belonged to the land. He proposed that the town did not belong to the people, but the people belonged to the town and have an obligation to serve it.

17. Council Comments:

* Kevin Stout thanked Mark Savee for stepping up and getting something going on the Post Office issue.

* LeRoy Thompson agreed and stated that he had watched as other towns had applied for water loans, which ended with the board telling them they had to raise their rates. They did not tell Virgin this, but Council Member Thompson thought the Town should look closely at the stipulations as they came in from the state.

* Jay Lee also thanked Mark Savee for the petition. He was surprised that several citizens did not know about it. He thought that a \$10 water rate raise would bring the town up to par.

18. Possible Motion to hold an Executive Session.

No executive session was needed.

C. ADJOURN PUBLIC MEETING:

19. 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 8:22 pm.

Monica Bowcutt
Town Clerk

Approved: _____