

**FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING
WEDNESDAY, APRIL 24, 2019
6:30 pm
114 S. Mill Street, Virgin, Utah**

Present:

Council Members: Matthew Spendlove, Mayor
Jay Lee
Dan Snyder
Kevin Stout
LeRoy Thompson

Others:

Monica Bowcutt-Town Clerk	
Heath Snow, Town Attorney	Linda Collet
Carolyn Matsler	Chuck Matsler
Mark Anderson	Deborah Masefield
Mark Weidinger	Monte Lutz
Ursula Callahan	Bonnie Timmerman
Sean Amodt	Darcey Spendlove
Neil Thomas	Robin Clark
Lesa Sandberg	Wanda Leverett
Paul Luwe	Diane Peterson

A. WORK MEETING

6:30 pm

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

a. Discussion of Appeal Process.

Mayor Spendlove reported that the town appeal authority, Bruce Jenkins, had a conflict of interest. The next attorney they tried to hire also had a conflict of interest. Attorney Snow had though he had found one who did not have a conflict, but the resolution could not be approved as written.

b. Discussion of Eagle Scout Projects.

The Mayor reported that three young men would like to repaint the water tank as their Eagle Projects. The Council liked the idea. The insurance trust had been contacted.

c. Discussion of Fund Raiser for the Garate Family.

Mayor Spendlove explained the accident Gene Garate had had. He was still in the hospital and would not be able to work for months. He asked the Council if they would support a fundraiser for Gene and his family. They agreed. The fundraiser would be held the end of May.

d. Discussion of possible enforcement of camping outside of campsites.

Mayor Spendlove asked for thoughts on a camping zone inside the town limits.

Monte Lutz reported that he had spoken to David Kiel, from the BLM. Mr. Kiel wanted the town to adopt the BLM camping ordinance, which would allow the Sheriff's office to enforce the BLM camping rules. Mr. Lutz volunteered to have Mr. Kiel contact the town directly to get the Ordinance on the agenda.

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- * Matt Spendlove reported that Congressman Chris Stewart's office had finally returned the town's phone calls and said they would try to work on the Post Office issue. The least they wanted to accomplish was a town hall meeting and perhaps get some answers.
- * LeRoy Thompson handed the proposed budget to the Council members for them to review. He asked that comments or concerns should be forwarded to him within two weeks. At that point the proposed budget would be available for the public to review. The budget needed to be approved at the May meeting. He stated they had been conservative with revenue and cut out expenses that were not necessary. The budget was about \$400,000. Projected revenue would be about \$445,000. Council Member Thompson reported that home building had significantly dropped. About \$60,000 had been budgeted for capital improvements and roads, with an additional \$22,000 coming from impact fees. About \$63,000 had been budgeted for capital improvement to parks. The budget also included 1.2 million dollars for the new water tank loan, with \$400,000 coming out of the sale of the Coal Pits property and \$400,000 from grant. The loan payment would be about \$20,000 a year.
- * Monica Bowcutt stated the May meeting will be held on May 15, instead of the 22nd.
- * Linda Collet asked that water tank be painted a color that did not turn pink in the sun. Mayor Spendlove stated he would like to hear what color the tank should be painted. He also mentioned that the town would be purchasing the paint for the tank, if not all was donated to the scouts.
- * Darcey Spendlove reported that the park committee had met to come up with a concept plan. She stated there was still a question of whether impact fees could be used to restore or replace existing equipment, cement and/or grass. David Church, from the ULCT, had been contacted. He said that it depended on what the town's Capital Facilities Plan said. After research, it had been discovered that a Capital Facilities Plan had not been adopted since 2005. The committee had come up with a plan nonetheless, which included a bike or walking path (cement or pavement) around the entire park block, parkour course, new grass, and new playground equipment. Next year's plan would include a pickleball court and kitchen improvements. Attorney Snow explained that the town had to look to the Capital Facilities Plan to see what money had been collected to make improvements which had been anticipated. The town needed to charge the impact fees based on these calculations. If the town wanted to do something that was not in the Capital Facilities Plan, the park impact fees could not be used. Impact fees were meant to be used for improvements to the existing system or expansion of them, not for maintenance or replacement. Adding a trail would probably be acceptable, but not replacing grass. Darcey Spendlove asked that all people give input, because the committee was trying to use the money for all citizens. Jay Lee mentioned that the committee had talked about putting some berms on the new trail to be used as jumps.
- * Jay Lee stated that the BMX state race was being held the following weekend. Everyone was

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invited to attend.

* Mayor Spendlove stated that the town was in the process of paving 675 West. The drainage had been engineered and the paving would be put out to bid.

B. REGULAR MEETING 7:00 PM

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:00 pm.

2. Invocation/Pledge of Allegiance.

The Invocation was given by Kevin Stout and The Pledge of Allegiance was led by Matt Spendlove.

3. Declaration of Conflict of Interest.

Kevin Stout declared a possible conflict with Chapter 20.

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

5. Approval of March 2019 Checks and Invoices.

6. Approval of March 27, 2019 Draft Minutes.

Jay Lee stated he had a few typo's, but he would get the corrections to the staff.

Matt Spendlove moved to approve items 5 and 6, with the corrections fixed on the minutes. LeRoy Thompson gave the second. No roll call vote was taken. The motion was unanimously approved.

7. Discussion with LaVerkin Post Master regarding Postal Service in Virgin.

The Postmaster was not present. The Council moved on to the next agenda item.

8. Discussion of and possible approval to Appoint Bryan Pattison as Substitute Appeal Attorney.

Mayor Spendlove explained that after Bryan Pattison had reported he did not have a conflict and the resolution had been drawn up, it was found the firm he works for did have a conflict after all.

Attorney Heath Snow explained further that because the Town's Appeal Authority, Bruce Jenkins, had a conflict, he could not hear the Conditional Use Permit appeal that had been filed with the town. Bryan Pattison had indicated, upon initial check, that he was clear, however, his firm in Salt Lake had indicated they did have a conflict. Mr. Pattison did not think it was appropriate for him to represent, even though it was only the firm who had the conflict. Attorney Snow stated the Matt Ekins was available and did not see any conflicts. Attorney Snow recommended that the council formally authorize the Mayor to sign an engagement agreement with Mr. Ekins, which would be ratified by resolution at the May meeting. In this way, the appeal process could begin.

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It was clarified that after this one specific appeal, Bruce Jenkins would again resume the responsibility of appeal authority. The resolution could not be approved as written, because it had the wrong name.

The Council unanimously indicated they were fine with the Mayor moving forward with Matt Ekins in order to begin the appeal process. The resolution with Matt Ekins' name would be approved during the May meeting.

9. Discussion with possible approval of Ordinance 2019-9 to Repeal Ordinance 2019-8 amending Chapter 20.

Mayor Spendlove reported that another referendum on Chapter 20 had been filed. He wished to hear specifics for the referendum being filed on the Commercial Zone. Several general ideas had been circulating, but nothing specific had been said to him.

Kevin Stout felt that if the document was repealed, the Council could find out why the referendum had been filed, and then try to fix it, so it could be approved without a referendum. Mayor Spendlove stated that was why item 10 was on the agenda. Item 10, a comment time, could not be held unless Ordinance 2018-8 was repealed.

LeRoy Thompson felt the ordinance should be repealed and then give the Council the opportunity to find out what the input was.

LeRoy Thompson moved to approve the Repeal of Ordinance 2019-8. 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. Public Input and Discussion of Public Concerns regarding Chapter 20.

The Council set rules for the discussion. They were: Don't repeat what someone else has already said, five-minute time limit per person, speaking only one time, and state your name.

Monte Lutz asked if this forum was taking the place of a required public hearing now that the Commercial Zone (Ordinance 2019-8) had been repealed. Attorney Snow replied no, the Council and P&Z needed direction because they did not know what was acceptable to the public. The public process would be followed when a new ordinance was up for approval. Mr. Lutz stated it seemed redundant. Mayor Spendlove stated he was the one who put the item on the agenda and this comment section did not need to happen. The last few days he had heard comments from people that the Council did not listen and did not care what people thought. Those statements were not true. If the item was not wanted or needed, it did not have to happen. The Mayor thought it would be good for the community, but perhaps it would not be.

Dan Snyder felt it would be good to hear comments and the ordinance would need to go back to P&Z. Attorney Snow clarified that if the change was simply the elimination of one or

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two uses listed as permitted, that was not considered a substantial change, therefore, would not need to go back. This was because the process and rights were not being changed, however, adding uses would be considered substantial.

Jay Lee wanted to go with the agenda. LeRoy Thompson stated he liked to hear input.

Leroy Thompson read a letter from Paul Lowe dated April 23, 2019. This letter is included with the minutes.

* Deborah Masefield stated she was one of the sponsors of the referendum. The new rules still allowed general convenience stores, service stations, and hotels and motels under the conditional use permit close to, or next to, residences. Although the uses came under strict conditions in the Conditional Use Permit, those rules could always be bent. The Council said there was a building restriction of 8,000 square feet, but on large pieces of land, there was no reason why there could not be several of those sized buildings on that piece of land. There was no restriction to that in the Conditional Use Permit and the ordinance should be tightened up. There were ways developers could get around the rules. Convenience stores, service stations and hotels/motels could possibly have 24-hour traffic, lighting and noise. She lived next to the Shell station in Springdale and every time the tanks were filled with gasoline, her home filled with the smell. Tight rules were needed to enable the town to grow nicely, but not allow the town to get that sort of thing.

* Neil Thomas felt he needed to set the record straight because he had heard some comments about where his leaning was. He was not anti-property rights, not pro property rights and not anti-development. He was not aligning to any certain viewpoint but did passionately believe the town should do the best they could in supporting activities that bettered the individuals and families within the community. The individuals within the community needed to be involved in the processes that directly affected them. He valued the community and grateful for the welcome he had received. The town and residents deserved the effects of due process. He asked that due process be followed in all ordinances. He felt it had not been followed in the process of Chapter 20 and it was an important and radical town changing ordinance. The information that residents needed to understand had not been communicated. Important facts and data had not been made known. For example, there was no definition of the area involved, no map had been provided, no definition of benefits or detriments to the town, no definition of who was affected and not mitigation as to those people, no definition as to how green space was to be included or protected in the area, no definition of infrastructure changes that would be required, no engagement of residents as to what has been proposed or any details that might relieve concerns. It was a communication thing. The standards that applied to the ordinance have not been referenced, updated or published. The public did not know what the whole thing actually looked like. It had also been put out with reference to the General Plan and how it would affect Virgin in the future. This was no real forum for communication, even though this meeting was great. Unfortunately, there was no way to log comments. The Council should see the comments in advance and have a chance to process them. It was the way the process should work, but it

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did not exist. Lack of engagement would rightly concern people, as could be seen. If things were not explained and data was not put forth, you would get a reaction. If there was communication, you would get people involved. The second reason was the ordinances were being created without a plan. There was no reference to the General Plan and the Plan was so general that it was not a document that could be planned from. It would be absurd to build a house without a plan because you won't get what you want, and it could be disastrous. You absolutely don't allow a town to develop without a plan for the same reasons. It doesn't address the government that defends the community. The plan lacked details about the facilities. Question could include: What is the size of town do we want? What about air quality? Etc. Etc. You can't just define the commercial piece without thinking about all of this. Once the commercial piece was built and done there would not be space for everything else. You need a plan.

* Monte Lutz stated residents expressed concern and possible skepticism about ambiguity. Mr. Lutz asked a developer he knew from Hurricane to look at the town's ordinances. This developer's response was "I don't see anything about sound walls and I see forced parking behind buildings right up next to the residential. Hotels were a 24-hour business and people did not want to hear the chirp, chirp, chirp all night. Gas stations may or may not be a 24-hour business. Developers didn't think about lifestyle, especially when the deed changed with buyers. The Conditional Use Permit cost \$500 plus the legal expenses of the attorney (about \$5,000). The ordinances were to protect the neighbors and makes the property worth more. Anytime there was ambiguity, there was trouble.

* Mark Weidinger and his wife, Ursula Callahan had moved to Virgin about 8 months ago, purchasing a Rural Residential property that sat against a number of commercial lots. At that time, they had reviewed the Commercial Zone to figure out what could be built on those properties and they were OK with everything listed. Now things were starting to change. The main thing they objected to was the concept of a 24-7 business being right up against their Rural Residential home. Mayor Spendlove asked if he considered a gas station a 24-7 business and if yes, they why? Mr. Weidinger replied yes, it was the noises, the people coming at all hours of the night, talking loudly, etc. He stated that his lot was Rural Residential asked what was rural about hotels and motels. He also felt there was a lot of confusion around Chapter 20. The website did not list any of the uses. It took a lot of effort to go through and figure out what exactly was being changed. It was a little confusing.

* Ken Cornelius stated that he had heard comments about a buffer between residential and commercial. He compared Fort Zion and Buffalo Trails and how far the buildings were off the road and how many people stopped at each location. He felt the parking lot location was the difference. Owners wanted the business against the road to be noticed. The highway should be commercial, not residences. He also felt residence were a 24-7 business with horns beeping and starting vehicles. He had also heard a lot of talk about small mom and pop businesses along the highway, but they could not survive without foot traffic from a motel. There must be something to support the businesses. The infrastructure was already existing on the west side of town. The ordinance pushed everything on the east side of town and now

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the town must put in a new water tank to support the growth. There was already a water tank and main water systems on the west side of town on the highway. It made sense to put commercial businesses on the west side of town. Most businesses would naturally want to be by the highway. The 24-7 businesses would be the same way.

* Carolyn Matsler felt there should be some kind of referendum rule, so people could get a hold of the sponsors. She stated she had been trying to speak to Ray Golata for weeks and now he was out of town indefinitely. This would allow people to find out if there were unanswered questions and misinformation circulating. The cycle could not keep going on and on. Ordinance, referendum, ordinance, referendum. The sponsors gave a list of things they didn't like, the ordinance was changed, but it was never good enough. There have been several meetings like this where people could get up and say what was wrong. The sponsors could not keep saying it and then tomorrow there would be something else that was wrong. The ordinances were so tight. Look at the whole ordinance, not just the little section. You can't have a 24-hour business, but you have to look farther than the first page. The P&Z and Town Council had worked so hard and a list of concerns would be helpful. If they had a list of stuff people were sincerely worried about, they would at least try to help residents understand it more. The ordinance needed to be viewed from the economic standpoint. Businesses would not put their products where it would not make money. There had to be a little bit of common sense. She did not feel that the Commercial Zone would have any problem having a smaller hotel at the west end. And an RV park would take care of all the campers on the BLM.

* Monte Lutz suggested that a non-confrontational open house would be beneficial.

* Sean Amodt stated the five members of the Council were elected. It was interesting that it only took five sponsors to get a referendum filed. He felt that the Council had been elected to listen to him, listen to the community, make those decisions, study out the issues, and know what was going on. He knew how much work went into the ordinances. Yes, the process could be smoothed out, but there was a very good process. One of the processes that could be smoothed out was Chapter 8, the process for obtaining a commercial permit. All concerns that had been spoken of tonight would be filtered through Chapter 8. It was not about property rights, it about individual rights. Which meant not just the property, but your livelihood and property. If someone lost one of those rights, the other ones were useless. He urges people to focus on individual rights and it's not just about individual opinions, but about facts and really gather the data and make the best decision possible.

* Bonnie Timmerman stated she had brought the map and all the red represented how much commercial of one kind or another, what kind of businesses, and where the businesses were going to be in Virgin. It was a lot of area. Years ago, the Highway Resort Zone had tried to be extended through town. That didn't work. An RV Park had been asked for in town and that was voted down twice. Then the council tried again for the commercial all through town. The Council had extended the Commercial Zone from 700 West first, then to 150 West then to 225 East, so it was all through town. Then when we talked last time, you said 150 was alright. Ms. Timmerman had never heard Pocketville road and that road was what came out in the

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ordinance. She knew that there was some land that was put on the market in December as commercial which would fall into that area. It wasn't commercial then and it still wasn't commercial. She felt that had something to do with why Pocketville Road was chosen. Ms. Timmerman asked several questions: What do you want Virgin to be? Do you want it just to be businesses? Where was the connect-ability for people to get someplace? Somebody said walk-ability between businesses. There was none of that planned. That was not happening. Citizens had tried to get trails earlier and it hadn't happened. Some people felt like this was just the same thing over and over and over again, like you are not hearing us. Matt Spendlove replied that the trail system was in place. Every business was required to put a trail in front of the business. There would be a trail system along the highway.

* Wanda Leverett stated that in the interest of not being redundant, she stated she supported the comments of Deborah Masefield (hotels and gas stations), Paul Lowe, Neil Thomas (information communication and record of activities), Monte Lutz (ambiguity), Mark (effort to understand), and Bonnie's comments. She stated she had spent hours trying to figure out what was being removed and changed, plus she had not ever received a map. Matt Spendlove stated he liked everyone's comments and he wished Ms. Leverett would have liked them all also.

* Chuck Matsler stated he had done a lot of research and had lived in town for a long time. He asked Bonnie if he could use her map. He pointed to specific areas on the map and stated that many areas were not buildable because of washes, hillsides, and ledges. All the red could be scary, but it was not likely that builders would spend millions of dollars to turn it into what scared people. There were no residences able to build next to it. The ordinance said you could only have so much density. You would have to have at least 6 acres to build any motel that would be feasible. Stu Ferber was on 13 acres. Mr. Matsler pointed to more areas that were non-buildable. He volunteered to make a new map which showed what would be more likely to be build-able. Next, Mr. Matsler suggested that if you had a land owner next to you, who you thought was going to build something, go talk to them and find out their plans. Maybe you didn't know what they had planned. Maybe you don't know that they wanted to save the back piece of that land for residences. Business owners would keep the buildings closer to town and the highway. It cost a lot of money to have engineers come in and split the lots. If you had questions, come and ask. Mr. Matsler stated he hadn't talked to Bonnie for three or four years. He hoped people could come together and realize that his family was not trying to make this a bad deal. They just wanted to have some growth and have their families live and stay here. His kids could not live here and build on one acre. His son was 23 years old. Mr. Matsler needed to have someplace for him to build. Even if he had an acre, he couldn't put a 1,500 square foot house on an acre. How was he going to take care of it? That kind of thing needed to be thought of. Growth needed to happen to make those types of things possible.

* Monica Bowcutt asked about the Commercial Ordinance saying "available". She kept hearing about the whole town being rezoned to Commercial, but it was not. It was only making the land eligible. Everyone who wanted the Commercial Zone still had to come in and

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do a zone change application. It was not a closed zone, and anyone could come in and ask. It would be a spot zone, but not illegal. Heath Snow stated that spot zoning was no longer defined as a term in Utah law. It had been deleted. Monica Bowcutt continued that the ordinance did not really affect who was going to become commercial. Heath Snow agreed. Kevin Stout stated that the problem was that the Commercial Zone, as it was written before the amendments, did not allow a lot of business types.

* Cameron Spendlove stated he wanted to address a couple of things. He explained the expansion area while using the map. He stated that people kept talking about the massive expansion of the eligibility of the Commercial Zone. He showed a small section in the middle of town that was being changed to be eligible for rezone. The rest had already been rezoned over a year ago. The only thing that had changed within the last year was it had moved from 700 to 150 was made eligible. The town was only signaling to people that it was eligible for application. That change had been completely uncontested. Not even a single comment. Mr. Spendlove also stated that the K & K property had always eligible. When their zone change happened, it was because they came to ask for the change. The reason why P&Z recommended to do the small expansion was because it was small, supported by some of the owners who lived in the area and supported by other community members. In fact, Jean Krause wondered why the expansion did not continue all the way to 150 at the time of the first expansion. The changes made to the permitted uses were obviously not acceptable. He stated he was happy to sit down and talk to anyone about them. There was about 40% of residents who wanted those types of businesses and 40% who did not want to see those types and about 10% in the middle. If there was some way we could work through those things he would be more than happy to help. Deborah Masefield asked if someone bought property that was zoned one way and wished to change the zone, what capability did the town have to say they have to go through the process. Heath Snow replied that the town polices stated when an owner comes in and applies for a business license or building permit to construct a commercial building. If the land was not zoned correctly, it wasn't allowed. The town didn't get into how people were marketing their property. Monte Lutz stated that zones were not carved in stone. Carolyn Matsler replied that the town had previously made K&K rezone to Rural Residential. She felt that as land owners, they should have the ability to change it back.

* Diane Peterson asked if a piece of a land was rezoned, did the town address the impact that it would have on the area. She wondered if the Council worried about the impact on the neighborhood or roads. She asked how those issues were addressed? Attorney Snow stated that the impact was looked at, but on a much high scale than a subdivision for example. A rezone looked at general and high-level impacts. For example: do we have enough infrastructure, do we have ingress and egress, and is the right of way wide enough. The town did not know exactly how the property would be developed because it had some basic entitlements to use. Ms. Peterson and Attorney Snow discussed the specifics of the Walmart in St. George in relationship to general impacts. It was hard to be more specific at a zone change stage. The nuts and bolts could not be looked at until a site plan was presented. Matt Spendlove gave an example of the RV Park that was given a Conditional Use permit up river, which could not be built until all the safety and town concerns were met. Attorney Snow

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further explained that in Chapter 8, there were standards for specific types of Condition Uses. He stated that he had only heard about certain types of Condition Uses in Chapter 20 that would be 24-7 type businesses. There are very specific standards just for that type of use with included limitations on hours of operation. These businesses could be done, but only in compliance with the standards for that type of use set forth in Chapter 8. Tighter standards had been articulated for more obtrusive uses, than for things considered unobtrusive. This thought went back to someone's comment about reading all the ordinances in order to understand the full effect.

Dan Snyder stated he reflected some of the same concerns with the people who filed the referendum. Hotels and motels being part of this zone was his biggest concern, however, it made sense to have commercial uses along the arterial highway. It was un-smart planning to send traffic down a residential street. The state fully controlled what happened on SR-9. He felt the town should give the property owners along the highway the ability to capitalize on the revenue. Virgin was not doing anything to attract the traffic, the Park did that. Council Member Snyder stated he could see the methods to the madness of keeping hotels closer to the park, but it really wouldn't do anything because there were hotels at the bottom of the hill. People were driving just for the day to see Zion. He wanted to try to make a compromise along the highway and look at the conditional uses versus the permitted uses. He felt this could help alleviate some tension.

Matt Spendlove stated that the motel standards required small buildings. There were houses in Virgin bigger than the allowed size for motels. Dan Snyder replied that the Highway Resort Zone was not completely built out, so there was no reason for hotels to be in the Commercial Zone also. Matt Spendlove answered that if you looked at the Highway Resort Zone, there was only 1 parcel of ground against the highway that could have a motel on it. The Highway Resort Zone up the Kolob Road was not on the highway, so that area was not included in the one parcel. He felt it was a good compromise that little motels could go out west of town. He did not believe the little mom and pop kinds of shops would live with a place for people to stay.

Dan Snyder stated that it made sense to him to make land eligible to rezone, rather than just straight up rezoning it, because then property owners had freedom and flexibility. This did make it difficult for neighbors. The traffic on SR-9 would not decrease.

Matt Spendlove stated that there were large parcels of ground on the west end of town and only three or four residents were against motels. It was not like putting the Commercial Zone right in the middle of town where more people would be affected.

Dan Snyder stated that one of the biggest nuisances the town had was ATV's using the sidewalks to get to Sheep Bridge Road. Even the locals were doing it. It made sense to accommodate those types of people near Sheep Bridge. Mayor Spendlove felt that if the town allowed another RV Park those types of problems would not happen, along with all the camping outside of town. He had personally talked to several RV's and found that they did

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not want to be there, but every campground was full.

The actual size of 8,000 square feet was discussed. It was reported that a motel this size only had 18 rooms. Builders had said that it was not affordable to build a motel that size. The motel height restrictions were 7 feet lower than a house. One 8,000 square foot building per acre in the ordinance.

LeRoy Thompson stated that the motels being discussed were also required to put in their own sewer treatment system, which was about half a million dollars. This, along with the building size, made it economically not feasible to build one.

Mayor Spendlove felt like it was a good compromise on the ordinance. He also stated that he had told multiple people about the motel size, but people still stated they did not know. He also said he was frustrated that he had asked multiple people to report back on the public hearing, being told that the only thing people did not like the 24-hour businesses. There were no specifics like sound barriers, parking, or anything talked about tonight was mentioned in the public hearing. He stated that the Council did the best they could with the information the public put forth. The Council felt like the motel size was a good compromise, so they passed the ordinance and then a referendum was filed.

Monte Lutz stated that the Council should give a little self-promotion. Let people know what they were doing that was good.

LeRoy Thompson stated that as an ex-banker, he would not finance an 18-room hotel, on one acre of land that you had to put in a half million-dollar sewer system. He voted for the Commercial Zone as written because he did not believe these motels would come in. If the town wanted the type of thing listed in the General Plan, little mom and pop shops along Highway 9, there needed to be available places for people to stop here to spend the night. He felt if there were not hotels the shops would go under in a few months. Progress was going to happen but needed to be planned for by putting stipulations in place. If people read all of Chapter 8 and Chapter 20, they would see that the stipulations were there. It appeared that people had just looked at the one little section and had not looked at the rest. It was sad that people came here and complained, but they hadn't really educated themselves. It was the same thing with Bonnie's Timmerman's map, which she had put a lot of time into. Bonnie had not considered the land usage and that land which had already been zoned to commercial.

Scattered discussion among people and the Council about motels and service stations in town, the standards and the location they should be allowed.

Jay Lee stated that St. George Boulevard had changed dramatically over the years. He saw SR-9 changing this way also. He felt the town should control how it happened.

Kevin Stout wanted to keep hotels, motels, and gas stations in the ordinance. He felt they

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were the most likely to succeed business in the ordinance. He felt if the other types were to succeed, the motels would only help the smaller types. He wondered if there was something that could be done to limit how far off the highway they could be and add more of a buffer. He also wondered if there were things that could be done to make people happy. It could be worked out. He felt going back to the drawing board to protect residences and give it one more shot was a good idea.

11. Discussion and possible approval of Ordinance 2019-10 amending Chapter 20.

Mayor Matt Spendlove asked Cameron Spendlove, P&Z Chairman, if there was a way to educating people during the P&Z meetings. He also suggested moving all uses back to conditional uses, in order to make it work better for the public. Attorney Snow suggested referencing standards from Chapter 8, right in Chapter 20, which made it easier to follow.

Bruce Densley stated that the mom and pop stores depended on the profit at the end of the year. They had to be able to draw the traffic from the highway, who are driving 50 miles an hour and then slam on their brakes to stop. The town needed to consider what it took to run these small businesses. They were all having a rough time around the country because they had to have a return on their investments. Nobody would spend money on a new business unless they were sure they would have a return on their investment.

LeRoy Thompson moved to table and return to Planning and Zoning item number 11, Ordinance 2019-10 amending Chapter 20. 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 unanimously.

12. Review and possible approval of P&Z recommendation to approve Ordinance amending Chapter 8.

Mayor Spendlove explained that Chapter 8 was the Conditional Use Process and Standards. Attorney Snow added that the P&Z had tried to streamline the process. They had suggested certain standards that were applicable to all Conditional Use Permits, in addition to some specific standards for certain types of business. The process began with an applicant coming in to apply. If the zoning allowed that type of use as a Conditional Use, they would apply for the Conditional Use Permit. Town Staff would review for completeness and confirm that the fee had been paid. At that point the permit would go to the Zoning Administrator who would then review it and determine it as a Level 1 or Level 2 use. Level 1 were simple Conditional Use Permits. Level 2 would be reviewed by the Planning Commission. The appeal process was outlined and was reviewed by the Council. Attorney Snow continued to review the amendments section by section.

LeRoy Thompson stated he felt it was a good chapter and put controls in place, along with putting the appeals on the elected officials.

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LeRoy Thompson moved to approve Ordinance #2019-2 Chapter 8 CUP Amendment for 04-23-19 as written and proposed to the Council. 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. Review and possible approval of recommendation from P&Z to approve Ordinance #2019-5 Amending and Restating Chapter 2 Planning and Zoning Commission Duties.

Attorney Snow explained that the P&Z Commission was addressed along with a description of a formal position of the Zoning Administrator. The Council discussed the staggered terms of the P&Z Members. All terms would be set at four years but were staggered to coincide with the town council. No more than 3 members could expire at a time.

The Council discussed section 2.2, which described the Zoning Administrator position specifically. It had been added to clarify town ordinances across the board. The Zoning Administrator would be the first touch on any land use applications, participate in public meetings, provide P&Z and Council with recommendations, and function as the liaison between P&Z and Town Council.

Jay Lee felt the Zoning Administrator should be present at all town meetings because they were an employee of the town. He also felt the Zoning Administrator and the Town Man being the same person was a conflict of responsibilities. Attorney Snow felt that it would be nice to have one person as a point of contact who did not change or rotate as elected officials or P&Z members did, which would create continuity within the staff. The Council agreed that the Zoning Administrator should be at town meetings, but that would increase the amount of money he was paid. Mayor Spendlove stated that more money for a Zoning Administrator had not been budgeted. Discussion continued about different scenarios. Suggestions included increasing the Zoning Administrator fees charged on the fee schedule and increasing the budget before it was approved in May.

Jay Lee moved to approve Ordinance #2019-5 amending and restating Chapter 2 Planning and Zoning Commission duties with the changes: The term being 4 years for all Planning Commission members; making a change in 2.2 stating the Zoning Administrator shall be an employee or independent contractor of the town; and in 2.2.1.g include the word "all". 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.

14. Open Forum: Limit 2 minutes per speaker

* Chuck Matsler asked if the General Plan would be available online. Monica Bowcutt replied that she hoped within a few months. The codifying project was just completed, so it should

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be soon. He also stated that state code had changed in regard to the transient room tax for towns located in the same county as a National Park. This money could now be used it for emergency protection. He asked Attorney Snow to check to see if the town qualified.

* Bruce Densley asked the Council to review a proposal he came up with to install secondary water to Desert Gardens. Mr. Densley explained his thoughts by reviewing a handout he had produced. His handout is included with the minutes. The proposal included leasing water shares from the town, to be repaid by the residents who would use the water. Attorney Snow suggested that the home owner's association take the responsibility of collecting the water fees. Mayor Spendlove replied that himself and Chris Holm had been approached by other people, who had been told to find out how many people wanted the water, divide it up in order to have enough money to put the line under the highway and then purchase the water. The Mayor asked Mr. Densley to find out how many residents were interested in Desert Gardens. Discussion followed on the size of line and lack of pressure in that area. The Mayor stated he would find out from Chris Holm how much water the town was using. The Mayor stated that eventually the town wanted some of that water at the BMX Track.

* Ken Cornelius, speaking as a member of the ditch board, stated that they would be against Desert Gardens hooking onto the irrigation system. If 60 homes got put on the schedule, there would be massive problems with the turns and being able to enforce the water usage each time.

* Monte Lutz thanked the Council for the good meeting.

15. Council Comments:

* Jay Lee stated that homes are 24-7 also. He waters his garden and chickens in the middle of the night using a flashlight and yard lights. His neighbors don't complain.

* Dan Snyder reported that he had to cut one of the new baby swings at the park. An older girl was stuck in them.

16. Possible motion to hold and Executive Session.

No executive session was needed.

C. ADJOURN PUBLIC MEETING:

17. Approve Motion to Adjourn Public Meeting.

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

The meeting adjourned at 9:24 pm.

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Monica Bowcutt
Town Clerk

Approved: _____