

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING
Wednesday, August 28, 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
Darcey Spendlove
Cameron Spendlove
Lesa Sandberg
Jim and Lorraine Bacis
Bonnie Timmerman
Gene Garate
Sean Amodt

A. WORK MEETING 6:30 PM

a. Discussion of Traffic Study Priority

Mayor Spendlove explained that UDOT had agreed to complete a border to border traffic study for the town. The study would cost \$50,000 and UDOT had said they would pay half. It was believed that a grand could be secured for 25% of the town's half, leaving the town the remaining 25% to pay out of the budget. The study would be good for at least 10 years and would not cost so much to update. It would look at safety, speed, intersections, existing roads, turning lanes, deceleration and acceleration lanes. If the Council agreed to do the study, it would begin in 2-3 months and be completed in 6-8 months. The Council all thought it was a good idea.

b. Sheep Bridge Road

The Mayor informed the Council that the town had been approached about developing nine parcels near Sheep Bridge Road. Some of the development would be homes, some would be ranchettes, and some would be vacation rentals. Issues that needed to be addressed were water and utilities, roads, and ordinances for the South side of the river. The Council asked the Planning and Zoning to research the ordinances dealing with this possibility.

* Mayor Spendlove reported that the application, complete with road maps, had been submitted to the BLM for the new water tank. The area was for just under one acre. The Council and BLM officials would be taking a field trip to the site.

* Mayor Spendlove reported that plans for paving 625 West had been redrawn and rebid.

* A water pipeline would be coming down the Kolob Road, being paid for by the developer.

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These plans had been submitted to the State.

- * Monica Bowcutt, Town Clerk, stated that the BLM needed a resolution naming who was involved in the new water tank project. This resolution would be on the September 4, 2019 agenda.
- * Mayor Spendlove stated that a Special Meeting would be held on September 4, 2019 to discuss and make a decision on the Jack Ruggles Conditional Use Permit. Attorneys would be present. The Mayor stated that several of the conditions were not being followed. Monica Bowcutt stated that the hearing would be held first, followed by a work meeting to finish discussing the Master Plan Overlay, which had been started in July.
- * LeRoy Thompson stated that Kent Peterson volunteered to pay for a study of the lights at the BMX Track. This study would give some direction in what could be done to keep the riders safe and keep the lights from shining on the neighbors.
- * Mayor Spendlove pointed out that the agenda did not have "discussion and possible approval" or "action items" listed. He asked the Council if they felt motions could be made and items approved with the phrases missing. After discussion they agreed that, in order to make sure the public knew they were not trying to pull anything over, they would only discuss the items and then include them for approval on the September 4, 2019 meeting.
- * Monica Bowcutt, Town Clerk, asked Gene Garate make sure all the changes were included with the ordinances. She had had a glitch in her computer after he had given them all to her. Because of this she was unsure if all the changes had been made. He agreed to do so.

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

LeRoy Thompson gave the invocation. Kevin Stout led the Pledge.

3. Declaration of Conflict of Interest

No conflicts were disclosed.

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

5. July 2019 Checks and Invoices

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6. July 17, 2019 and July 23, 2019 Town Council Meeting Draft Minutes

There was no discussion.

LeRoy Thompson moved to approve items 5 and 6. Jay Lee gave the second. No roll call vote was taken. The motion was unanimously in favor.

7. ORD 2019-16 Chapter 22: Changes to Chapter 22 Highway Resort Zone (HRZ)

Cameron Spendlove, P & Z Chairman, explained that there were only two changes. He had cleaned up the location description because the Highway Resort Zone could now be located on Kolob Road and Gene Garate had amended the landscape architecture section. The Council all agreed with the changes.

8. ORD 2019-17 Chapter 4: Recreational Facilities Ordinance Section 4.21

Outdoor Lighting

Mayor Spendlove stated he, and the Council, had asked P & Z to exempt the BMX Track from the Lighting Ordinance while they were working on it, which was what this Ordinance did.

The Mayor also stated that Kent Peterson funding a lighting study would be a benefit to all parties involved. The Council agreed it would be a good thing and that no resolution was needed. Council Member LeRoy Thompson stated he would let Mr. Peterson know to go ahead.

9. ORD 2019-18 Chapter 1: Restating Definitions

Mayor Spendlove explained that the new Zoning Administrator, Gene Garate, was doing a good job cleaning up the ordinances. Gene Garate, explained that he was taking ordinances out of the definitions and putting them in the standards, making the specifications easier to find. He had used international building code, state and county codes for all definitions. Mayor Spendlove clarified that nothing was changing in the ordinances, only the definitions were being clarified. Mr. Garate stated that the definitions for equine would be used in the new Equine Ordinance, which would replace the current Trail Ride Ordinance. It was anticipated that a public hearing would be held on this new ordinance in September.

It was pointed out that Mr. Garate had created a review or summary for each change, which was very helpful. The Council asked that this summary be sent to them each month.

10. ORD 2019-19 Chapter 1: Section 1.6-Proposed Definitions

As stated in item number 9, only the definitions had been amended.

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11. ORD 2019-20 Chapter 8: CUP

The Council reviewed the changes that had been made. Cameron Spendlove clarified that the buffer had always been 50 feet. A buffer included roads and parking (for example), while a setback was for buildings.

Jay Lee questioned the word "development", stating it was ambiguous. He felt a different word should be used. Gene Garate pointed out that the only change that had been made was adding a sentence in section 8.14.10.D, "Where safety and welfare are not a conflicting concern, a continuous public trail...", so to change another part of the ordinance would require it go back to P & Z. This was also the case for items 12 and 13. Council Member Lee thought perhaps that word should be looked at a different time.

12. ORD 2019-21 Chapter 20: Commercial Zone

The only change which was made was adding the same sentence dealing with safety and welfare. One typo was noted that also needed to be changed.

13. ORD 2019-22 Chapter 22: HRZ

The only change that was made was adding the same sentence dealing with safety and welfare.

14. ORD 2019-23 An Ordinance citing Town Policy to collect Impact and Availability Fees

Mayor Spendlove explained that the town was in the hole about \$38,000 because of people not paying their water availability fees. This is why the ordinance had been created. He wished to change the proposed ordinance so when people wanted to begin paying a water availability, they must pay all the water impact fee. Jay Lee agreed stating that it would give Virgin the opportunity to use it for infrastructure. The town needed it up-front to get things prepared. Mayor Spendlove suggested that if the availability fee became ninety days late, the account holder must start all over and pay the water impact fee again.

Monica Bowcutt, Town Clerk, suggested that item number 3 should be changed from "Town" to "the account holder". The Council agreed. It was also discussed that the availability fee had to be \$50 a month, instead of \$22. It was also discussed how or if the garbage fee could be separated out.

It was decided to have the attorney review the ordinance, so it could be approved during the September 4, 2019 meeting.

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Gene Garate asked that the Council go back to number 12. He pointed out that the section on protrusions on the face of a building had also been altered. It had been changed from 30 feet to 50 feet, before it needed to be broken. This was section 20.15.2.

15. Open Forum:

No comments were made.

16. Council Comments:

* Dan Snyder reported that he had attended the Solid Waste Board Meeting. It was voted on to dissolve the contract with Rocky Mountain Recycling because of lack of performance. They were unable to get rid of their recyclable materials, especially the cardboard. Republic Waste Service was going to take over the remaining part of the contract. They would be shipping the recyclable materials to Las Vegas to a processing facility. However, in order to do that, they were building a transfer station at the landfill. Blu Cans would still be picked up but would go into the landfill until the transfer station was complete. Councilman Snyder also reported the Solid Waste District was looking at several environmental options at the landfill.

* Jay Lee reported that the BMX Track was currently ranked number one in the state, which may result in a national race. He also reported that two local riders had attended the world championships, with one pacing in the top nine.

* Mayor Spendlove reported that the pump track had been delivered. He wanted to have a "put together" party. He felt this would get the kids more involved. Also, all the cement had been poured at the park. Rain gutters would be installed on the pavilion, in order to keep the water off the cement. Drainpipes had been installed under the cement to take the water to lawn. He also reported that Lieutenant Governor Cox had held an open house/question and answer for about an hour.

The Mayor then asked for the Council's thoughts on an issue with the Munn's Conditional Use Permit appeal. He explained that the way the ordinances read, the person filing the appeal paid for all attorney fees. He asked what the Council would like to do if the fees were not recovered. He reviewed the history, stating that the original appeal authority put a cap on the cost. However, that attorney was not used because of a conflict. A cap was not placed on the new attorney which was agreed upon by all parties. A bill had been sent to the appeal filer; some money had been received. This amount was not close to the amount that was due, which was about \$18,000. After discussion, the Council all agreed that the town should not use taxpayer money to pay the appeal bill. The Mayor stated he would let the Council know

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the process and perhaps discuss it with Heath Snow, Town Attorney, during the September 4 meeting.

17. Possible motion to hold an Executive Session.

No executive meeting was held.

C. ADJOURN PUBLIC MEETING:

18. Approve Motion to Adjourn Public Meeting.

Kevin Stout moved to adjourn the public meeting. LeRoy Thompson gave the second. No roll call vote. The motion was unanimous.

The meeting adjourned at 8:02 pm.

Monica Bowcutt
Town Clerk

Approved:_____