

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING
Wednesday, September 25, 2019
6:30 pm
114 S. Mill Street, Virgin, Utah

Present:

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

Others: Monica Bowcutt-Town Clerk

Darcey Spendlove

Cameron Spendlove

Adele Pincock

Lesa Sandberg

Bruce Densley

Bronwyn Gooch

Rod Mills

Deborah Masefield

Gene Garate

Darlene Pope

Sean Amodt

Kent Peterson

Paul Gooch

A. WORK MEETING Non-Action Items 6:30 PM

Dan Snyder was excused.

a. September Social Details

The social was scheduled for Saturday, September 28. Monica Bowcutt asked that the Council members who could come to the park to begin cooking about 5:30.

b. Discussion of ORD 2019-30 Chapter 31 Mixed Use Zone

Mayor Spendlove stated he had placed the Mixed-Use Zone on the work meeting in case the Council wanted to discuss it before the regular meeting. LeRoy Thompson and Kevin Stout stated that it was not in the cloud and they were unable to read it. Mayor Spendlove stated that Dan Snyder had told him the same thing on the phone.

The Mayor stated that the Zone should not and could not conflict with the Short-Term Rental and Congregate Living Facility Ordinances. Cameron Spendlove, Planning and Zoning Chairman, replied that yes, it did conflict with the CLF Ordinance, but if the town ever wanted to allow an assisted living facility/health care facility, for example, the CLF Ordinance would need to be amended anyway. He felt it did not conflict with the STR Ordinance. The Mayor was also concerned about section 31.3 Location, which stated that the zone was available to all properties adjacent to an arterial street or has direct access to an arterial street. He was concerned because every road in town fit the description. LeRoy Thompson suggested that the words "or has direct access" should be taken out. It was clarified that there was no acreage requirement.

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LeRoy Thompson stated that a citizen had pointed out that "mixed use" was only referenced one other place in town standards or ordinances, in 28.2.3.d. He stated that the chapter did not give standards or explanations, which he felt it needed.

The Council reviewed the permitted uses. LeRoy Thompson felt the ordinance needed to be sent back to P&Z to make sure it was compatible with the other zones. Jay Lee suggested it be placed in Chapter 9 instead of making the new chapter its own zone.

c. Sheep Bridge Road

Mayor Spendlove explained that that county was going to pave Sheep Bridge Road within the next year because a development had been talking to them. These developments would have to come to the town for water. Rod Mills suggested that the utilities be in place before the pavement went in. He asked the Council to think about asking the developers to get their plans in place before the pavement was laid.

The Mayor also reported that the owner of 200 acres below Under Canvas had contacted him about annexing into the town. They wished to have the water for a development there.

UDOT had contacted the Mayor about a group from California who had been granted UDOT permits to film a movie on several Virgin Town Roads in October. He did not know what permits were needed from the town. Monica Bowcutt stated that Virgin did not have a movie permit, but she felt one was needed.

The Council asked Rod Mills to set a field trip date with the BLM to visit the new water tank site. He agreed to do so. Several dates were suggested during the middle of October.

B. REGULAR MEETING Action Items 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

Jay Lee gave the invocation. Kevin Stout led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

Kevin Stout declared a conflict with the Equine Chapter because his daughter was trying to begin a trail ride business.

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- 4. Consent Agenda: Possible Approval of Items 5 and 6**
- 5. August 2019 Checks and Invoices**
- 6. August 28, 2019 Draft Minutes and September 4, 2019 Special Meeting Draft Minutes**

Jay Lee made a change to the September 4 draft minutes. He wanted 'lawsuit' taken out and 'notice of claim' inserted. They could not be used interchangeably.

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

7. Town Council to review, discuss and possibly authorize award of the contract of 50 South 625 West.

The Town had received two bids, one from Interstate Rock and Royalty Enterprises. Interstate was \$86,000 and Royal was \$117,000. The Mayor reported that Interstate had contacted him and wished to begin very quickly before the weather became too cold to pave. Rod Mills reported that the bid was unit-price, which allowed for some change in price up to \$5,000.

Bruce Densley suggested that Interstate be watched closely, because there had been some problems with a prior job.

LeRoy Thompson moved to approve the Interstate Rock bid of \$86,284.50 to pave 625 West Road from 50 South. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously in favor.

8. Resolution #R2019-M Designating Election Judges/Poll Workers for November 5, 2019 Election.

The Council reviewed the three poll worker names for the November 5, 2019 election. The Mayor explained that the count would take place right after the polls closed at 8:00 p.m.

Jay Lee moved to accept the Resolution. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

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9. ORD 2019-24 Chapter 20 Setback rewrite

Gene Garate explained that the amendment was a clarification because the attorney has asked the all notes be removed. It was also mentioned that the reference to the chart needed to be removed. Zoning Administrator, Gene Garate, explained that it also changed the way the deed was recorded. LeRoy Thompson stated he liked it because you had to have both property owners agree, and then the deed stayed with the property.

Kevin Stout moved to approve item number 9, changing the setbacks in Chapter 20. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

10. ORD 2019-25 Chapter 1 Definitions

Zoning Administrator, Gene Garate, reported that these were definitions that existed, but had no other reference in the ordinances. The second part was removing ordinances from the definitions. He was also trying to make the Conditional Use Permit more specific, so it could not be interpreted different ways.

Matt Spendlove moved to approve Chapter 1, Definitions. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

11. ORD 2019-26 Chapter 4 Title

Gene Garate explained that Chapters 11,14, 25, plus other chapters contained general standards. His goal was to move all the general standards to Chapter 4, so they were all locate right after what the Planning and Zoning and the Council did. These general standards would also include the engineering standards.

LeRoy Thompson moved to approve Ordinance #2019-26, Chapter 4 title. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

12. ORD 2019-28 Chapter 8 CUP

Gene Garate stated that it pointed the person or group writing the Conditional Use Permit back to the definition, to find the SMART. LeRoy Thompson explained that the amendment

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added the SMART to the Chapter, which protected the town.

Kevin Stout moved to approve Ordinance #2019-28, Chapter 8, the changes in the Conditional Use Permit. Matthew Spendlove gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

13. ORD 2019-29 Chapter 8 Equine

Gene Garate explained this was a new ordinance, which covered all equine activities. Currently all the town had in the Ordinances was horse trail riding. It also made it so a person/business could not separate themselves from the ownership of the equine. LeRoy Thompson stated that the only issue he had heard from the public during P&Z public hearing was concerns about the Ordinance affecting personal use of horses. He reported that the Ordinance only dealt with commercial uses (for profit business), so this would not be a problem.

Mayor Spendlove asked about section 8.12.4.c dealing with liability insurance. He wondered if an amount, which currently stated 1 million dollars, should be placed in the ordinance. He felt some businesses would be small enough to not require that much insurance. Gene Garate explained that the town was trying to write the ordinances, so the Conditional Use Permits had some specific requirements. The problem was Conditional Use Permits could change with the different people in office. He felt the town should not require those small businesses to pay a large amount of insurance because they would not even make their money back. It was suggested to add verbiage stating that the amount of insurance could be added as part of the permit process. It was also suggested to take out "but not less than a million".

Jay Lee questioned why the Ordinance required removal of manure from fields. Manure was supposed to be put on fields. Gene Garate answered that this section was the business plan and the P&Z would determine what would be allowed after seeing the plan.

Adele Pinnock asked if there were still standards associated with horse businesses to use when evaluating an applicant's business plan. Gene Garate answered that yes, the plan was reviewed by whoever was writing the CUP, looking for the gaps. The new Ordinance made the business owner produce the information that was needed to write the CUP and then the group who was writing the CUP came together and asked for more details or specifics.

Kevin Stout liked the Ordinance. LeRoy Thompson stated he liked it but would rather keep the million-dollar insurance requirement included.

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Sean Amodt stated that State Law required a posted sign or waiver, but not both. Mayor Spendlove stated the town was going above and beyond State Code. The Council again discussed the required million dollars for insurance.

Jay Lee moved to approved item number 13 Ordinance 2019-29 Equine Ordinance with "but not less than a million dollars" taken out in section 8.12.4.c. Matthew Spendlove gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-No; and Mayor, Matthew Spendlove-Aye. The motion was approved on a split vote.

Mayor Spendlove asked the Planning and Zoning and Gene Garate to fix the Ordinance how it had been discussed and send it back to the Council.

14. ORD 2019-30 Chapter 31 Mixed Use Zone

Mayor Spendlove asked P&Z Chairman, Cameron Spendlove, to look at Chapter 31 to see if it would fit into Chapter 9. Cameron Spendlove said if someone would explain how that would work, they would look at it. He did not see how that would be possible.

LeRoy Thompson moved to send back Ordinance 2019-30 Chapter 31 Mixed Use Zone to Planning and Zoning. Jay Lee gave the second.

Cameron Spendlove stated the Ordinance did conflict with the Congregate Living Facility Ordinance and they would also look at the Short-Term Rental Ordinance. If the uses were wanted, they would have to be removed in order to comply. The Mayor also asked the Commission to look at the location or acreage.

Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

15. Open Forum: Limit 2 minutes per speaker

* Bruce Densley reported on the Fire District. He stated that Washington County was the fastest growing county in the nation and was projected by 2065 to have a 225% growth increase. The audit had been completed with no findings. The Fire District had received a \$354,000 grant to purchase 52 new air packs, which were very needed. Mr. Densley continued that next year the HVFD revenue was anticipated to be \$5 million. The wildland fire fighters

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had been very active serving around the state. They had also produced income by using the chipping machine and received \$2,000 an acre. Mr. Densley then asked that a larger, more visible, sign be placed on the corner of Sheep Bridge Road and SR-9 to stop campers. He had called the Sheriff's Department two times and was tired of doing so.

* Sean Amodt stated that the West Nile was still very active, with Arizona being the hub. No cases had been found in Washington County since 2013, now several had been found in St. George. He reported that the season was almost over, with the cooler weather.

* Darlene Pope congratulated the fire department. She asked if they were all volunteer. Bruce Densley stated there were both paid and volunteer fire fighters. The department was very well staffed because they were cross trained.

16. Council Comments:

* Jay Lee stated that the pump track was good. The thanked the people for coming out to help put it together.

* Matt Spendlove also thanked everyone for their help. He invited everyone to the social.

17. Possible motion to hold an Executive Session.

No executive meeting was held.

C. ADJOURN PUBLIC MEETING:

18. Approve Motion to Adjourn Public Meeting.

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

The meeting adjourned at 7:54 pm.

Monica Bowcutt
Town Clerk

Approved:_____