

DRAFT-FOR DISCUSSION PURPOSES ONLY
VIRGIN TOWN COUNCIL MEETING
INCLUDING ELECTION CANVASS MEETING
Wednesday, November 19, 2019
6:15 pm
114 S. Mill Street, Virgin, Utah

Present:

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

Others: Monica Bowcutt-Town Clerk
Bruce Densley
Sean Amodt
Rod Mills, RM² Engineering
Chuck and Carolyn Matsler
Gene Garate
Cameron Spendlove
Leidy Santander, RM² Engineering

ELECTION CANVASS MEETING ACTION ITEMS

6:15 pm

a) Approve Election results

Town Clerk, Monica Bowcutt, asked Dan Snyder to keep the tally. She explained to everyone that 15 ballots had come in by mail or from the County office after the election, plus the provisional ballots. Two were postmarked one day late, so were rejected. She opened all the envelopes and removed the ballots. Mayor Spendlove read the vote of each ballot out loud, followed by Kevin Stout reading the ballot out loud, with Dan Snyder writing the tally of each ballot. One ballot was marked with three names, therefore was rejected. The votes counted were as follows:

Lori Rose-23
Gene Garate-14
Bruce Densley-8
LeRoy Thompson-7

The Council assisted in adding the totals together. The grand total was as follows:

Lori Rose-146+23=169
Gene Garate-188+14=202
Bruce Densley-68+8=76
LeRoy Thompson-198+7=205

The Town Council signed the official canvass document. LeRoy Thompson abstained, and Jay Lee was not present.

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

The work meeting was called to order.

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a. Discussion of Capital Improvement List.

Mayor Spendlove reported that last year's one-year list included the drainage master study for \$50,000. This was \$40,000 grant and \$10,000 town match. The project was going to be applied for in January of 2020. The two-five year list included a senior citizen center/town hall, DGE Subdivision water line loop (boar under the highway), drainage culvert 100 S. East of Mill Street, phase one of replacing waterlines in town (South of SR9), DGE Subdivision drainage project, flood control in Rio de Sion and Sierra Bella, sport complex at BLM/BMX area, Pocketville Park improvement, Falls Park improvements and shade structures, and town-wide trails. Mayor Spendlove suggested that the water line upgrades be moved to the first place on the list. The lines were really old, and a lot of leaks were occurring. He felt the parks could be dropped to lower on the list. He also wondered if the water line project should be changed to smaller section, so the town did not have to spend so much money all at once. Rod Mills agreed, stated that the town was already saving money for the project with the water rate increase.

The Mayor asked the Council to look at the lists and come ready with input to the December meeting. He asked them the add projects that they knew about. Dan Snyder suggested that some fire hydrants in town needed to be replaced.

b. Discussion of Impact Fee Study.

Rod Mills explained the new impact fee study. They reviewed it and compared what the town was currently charging for water. One change would be to take some of the funds from the "source", instead of giving it to the Conservancy District. The total impact fee increase would be \$941 per ERC on the water system. The roads part of the impact fee would increase from \$2,840 to \$4,094.

Mr. Mills stated that the town officials would decide what to charge for impact fees because the study only gave the maximum and the range of what could be charged. The figures were conservative.

He continued with the study, stating that parks would increase by \$1,127 if the maximum recommended was used. Wastewater was a totally different monster because the town did not have a sewer system. The number that was included in the study was how much would be paid if the town had a wastewater system. He said a decision on a sewer system needed to be made sooner than later, which would help the charges be lower.

Mayor Spendlove stated he had met with Ash Creek, who said that Rockville, Springdale, and

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the top of the twist all wanted to go in on a treatment plant by Falls Park. Virgin would be wise to hook on when that happened, in order to get the best price. This topic was discussed in detail and what was the best way to go about it in the very near future.

Mayor Spendlove stated that the study could be approved, but the actual numbers did not have to be used. They would be worked on and adjusted as the Council felt necessary.

Sean Amodt asked why the Park Impact fees were so high. Rod Mills explained that there was a common formula used for parks, based on population. The town was required to have about 14 more acres of parks.

B. REGULAR MEETING Action Items 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

LeRoy Thompson gave the invocation. Kevin Stout led the Pledge of Allegiance. Jay Lee arrived at the meeting.

3. Declaration of Conflict of Interest

Kevin Stout declared a conflict of interest on item number 8, the K&K Partition.

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

5. October Checks and Invoices

6. October 23, 2019 and October 30, 2019 Town Council Draft Minutes

No discussion took place.

LeRoy Thompson moved to approve item 4, which included items 5 and 6, the checks and invoices and the draft minutes. Dan Snyder gave the second. Roll call vote: Jay Lee-Aye, except for the October 30, 2019 minutes because he had not been present; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved.

7. Discussion with possible approval of New Impact Fee Study.

Mayor Spendlove reported that the Engineer had completed the study, but the numbers were not binding. The Council could only adopt the study at this meeting. Once the study was

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adopted, if the Council wished, a resolution could be brought back to change the numbers. The charges, however, could not go higher than what the study reported.

Rod Mills explained that the Impact Fee Study put the town back on track legally. He also suggested that if the study was approved, it should be subject to the town attorney's review.

Jay Lee stated that the study showed the park system was at 70% build-out, which was 5,000 homes. He stated it did not make sense. Rod Mills explained that they had estimated the needed improvements on existing parks and new parks, calculated together, which gave the total amount. Matt Spendlove added that he had asked the same question to Heath Snow, who had answered him that the town must purchase enough property (48 acres) to build-out parks in order to reach the 100% build-out.

Kevin Stout moved to approve the Impact Fee Study, item 7, contingent on the Town Attorney, Heath Snow, reviewing it. 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 unanimously approved.

8. Discussion with possible approval of K&K Partition.

Mayor Spendlove reported that K&K had applied to partition off eight acres. Chuck Matsler presented the maps, which showed the land was across the highway from the Munn property and next to the one acre they donated to the town for the fire station. Mayor Spendlove explained that he had met with UDOT on the Munn property and UDOT was going to require the entrances be directly across from one another. He was mostly concerned about the fire station entrance. Down the road the accesses would have to work together and under UDOT's direction. The easement for the fire station was discussed.

Dan Snyder moved to approve the partition for K&K. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Abstain; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved.

9. Discussion with approval or denial of Ordinance#2019-19 Clarifying and Restating Sections of Chapter 1 General Provision and Introduction to Definitions of the Virgin Uniform Land Use Ordinances ("VULU").

Gene Garate, Zoning Administrator, explained that the changes were cleaning up. Jay Lee suggested that the last sentence in the Noncomplying Structure should be removed.

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The Council discussed deleting the excavation permit as a whole. Mayor Spendlove felt that the town should not be charging people to move dirt on their own property. Kevin Stout explained that one reason to have the excavation permit was for developers who did not have all their plans together. Cameron Spendlove suggested that another reason would be when the dirt was going off/on the property, so the town had to clean up the streets. Monica Bowcutt also stated that it was a way to make sure drainage issues were not created. The Mayor countered that there was no inspection or account of dirt moved. Jay Lee gave a history of the introduction of the excavation permit. Monica Bowcutt stated that the town engineer should be watching over projects to make sure no issues were being created. The Council agreed that it was a discussion for a different place and time.

Jay Lee stated the had a problem with performance standards and should not be left the way it was. Gene Garate replied that it was redundant, so parts had been removed. Cameron Spendlove explained that the Attorney said it was a hard issue because the town needed the authority, but it could be abused. A balance was hard to achieve.

The Council agreed to only approve sections 1.9, 1.9.1, 1.12.1

LeRoy Thompson moved to approve Ordinance #2019-19, but the only parts they accepted was 1.6 Definitions and 1.12.1 Enforcement and also removing the last sentence of the Non-Conforming Structures section, "Non-complying structure may remain even after the ordinance changes". 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 with approval or denial of Ordinance #2019-31 Amending, Clarifying and Restating Sections of Chapter 3-Appeal Authority of the Virgin Uniform Land Use Ordinances ("VULU").

Gene Garate, Zoning Administrator, explained he had only removed the definitions from the ordinance.

Jay Lee moved to approve Ordinance #2019-31, Amending, Clarifying and Restating Sections of Chapter 3. 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 unanimously approved.

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11. Discussion with approval or denial of Ordinance #2019-32 Clarifying and Providing Continuity by Removing Chapter 14-Performance Standards, From the Virgin Uniform Land Use Ordinances ("VULU").

Mayor Spendlove explained that this change completely removed Chapter 14. He continued that all needed information had been moved into different chapters. Gene Garate added that Chapter 14 was only about four paragraphs long.

LeRoy Thompson moved to accept Ordinance #2019-32 clarifying and providing continuity by removing Chapter 14-Performance Standards, from the Virgin Uniform Land Use Ordinances. 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.

12. Discussion with approval or denial of Ordinance #2019-33 Amending and Restating Sections of Chapter 8 Town Standards, Conditions, and Conditional Uses of the Virgin Uniform Land Use Ordinances ("VULU").

These changes dealt with insurance in the equine section. The discussion included state statute with equine and livestock businesses. Mayor Spendlove stated that UDOT had stated that if you were not in or on an open range road and have an accident, you would be sued, perhaps even by UDOT. You were liable if you were not on an open range road.

The discussion turned to Jack Ruggles and how he was getting around the insurance requirement.

Sean Amodt stated that the chapter and issue was not just about Jack Ruggles. The town wanted flexibility, but also cover the town as necessary. The discussion was about liability, which had been fixed.

Cameron Spendlove reported that the Town Attorney had not felt it was appropriate to make a single-family zone/lot into a multi-family zone/lot. The Council felt that the issue had been fixed, however, the attorney had not responded back. Chairman Spendlove stated that several city's like Park City, Springdale, and some in Colorado had already done this. Mayor Spendlove clarified that it would make long term residential hosting legal. Cameron Spendlove stated that the health department based their requirements on number of bedrooms, so it did not matter if it was long term or short term.

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Gene Garate pointed out several major typo's that needed to be fixed.

Discussion turned to architectural style and why it was located in what seemed like an odd location. The Council decided to take the section out. Then it turned to eliminating required pavement in private campgrounds.

LeRoy Thompson moved to approve Ordinance #2019-33 Amending and Restating Sections of Chapter 8 Town Standards, Conditions, and Conditional Uses of the Virgin Uniform Land Use Ordinance, except for the typo's that were discussed and completely eliminating section 8.12.8.c.2.ii Architectural Style. 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.

Sean Amodt questioned section 8.12.4.c., making sure that liability had been taken out, so it read just "insurance". The Council agreed that they wanted to take the word "liability" out of the first sentence.

LeRoy Thompson amended his motion to include taking the word "liability" out of the first sentence of 8.12.4.c. Jay Lee gave the second.

The Council discussed the purpose of insurance and how "liability insurance" differed from "insurance". Kevin Stout stated that the change left it up to the Zoning Administrator of what kind and how much insurance was needed.

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

13. Discussion with approval or denial of Ordinance #2019-36 Amending and Restating Sections of Chapter 25 Congregate Living Facilities of the Virgin Uniform Land Use Ordinances ("VULU").

Gene Garate explained that some of the verbiage had been changed or removed that did not apply. Most of it had tried to mandate future Councils and how they operate.

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Jay Lee moved to approve Ordinance #2019-36 Amending and Restating Sections of Chapter 25 Congregate Living Facilities of the Virgin Uniform Land Use Ordinances. 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, including the amendment, was unanimously approved.

14. Review and possible approval of 2020 Meeting Calendar.

Monica Bowcutt, Town Clerk, reviewed the dates.

Mayor Spendlove moved to approve the 2020 Meeting Calendar. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Abstain; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was approved.

15. Open Forum: Limit 2 minutes per speaker

* Bruce Densley reported that the fire district was in the process in the new budget. He gave the district statistics for the last quarter. The district was growing. There was a recent day that six calls came in at the same time. He continued that the district responded to more calls than in New York City. Money was begin saved by remounting a truck instead of purchasing a new one. The district was making money by using the chipping machine. It was going well with Rockville and Springdale joining the district. The district was able to capture some of the transient room tax because of the merger. Mr. Densley thanked everyone for voting and speaking their minds. He stated we had great community and fine leadership.

* Monica Bowcutt stated that the next Town Council meeting would be on December 18. The Christmas party would be on December 13. She asked for prayers for a couple from town who had been seriously injured in a car accident in the gorge.

* Sean Amodt thanked Mistie Baird for her service at Planning and Zoning.

* Matt Spendlove stated that Mistie had quit and the Town had hired Frankee Griffiths to replace her. She was hoping to make a career out of the job.

* Bruce Densley thanked Dan Snyder for his service over the years. He has always been a voice of reason.

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16. Council Comments:

- * Jay Lee stated he had heard that one foreman had built 4,800 homes this year. Washington County was growing. He wanted to thank everyone for their help in the town. The canvas results were reviewed because Council Member Lee had not been present.
- * Kevin Stout thanked Bruce for his help on the Fire District Board. He complimented Gene and LeRoy for running a good and positive campaign. He looked forward to working with them.
- * Dan Snyder reported he had missed the Solid Waste District meeting.
- * LeRoy Thompson thanked Dan Snyder for what he had done for the Council and the things he had advised them on. He would be missed.
- * Matt Spendlove echoed all that had been said. He then reported that he had done some research and found that even though Gene was serving as the Zoning Administrator, he could still sit on the Council.

17. Possible motion to hold an Executive Session.

No meeting was needed.

C. ADJOURN PUBLIC MEETING:

18. Approve Motion to Adjourn Public Meeting.

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

The meeting adjourned at 8:33 pm.

Monica Bowcutt
Town Clerk

Approved:_____