

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING
Wednesday, December 18, 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
Jesse and Ashlee Irwin
Sean Amodt
Bruce Densley
Deb Durban Masefield
Mark Savee
Hal Cannon
Gunther Rasmussen
Gene Garate
Bonnie Timmerman
Ike Jensen
Chuck and Carolyn Matsler

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

The work meeting was called to order.

a. Discussion of 2 Town easements for River Access.

The Council discussed the town easements located past Paul Gooch's property and Jimmy Smith's barn. A survey had been completed, showing that Mr. Gooch had quite a few things parked inside the town easement near his home. The Mayor reported that the property owners (Paul Gooch and Brian Kounz) would like to purchase this easement from the town. The Mayor and LeRoy Thompson stated they did not want to sell the easements. Mayor Spendlove stated he had spoken with the attorney, finding out that the town could abandon the easement, which left the ownership in place, but would require that only people with town permission could use it to access the river.

The tubing business and other issues which had been raised during the last summer were discussed. The rights of public streets and private property owners were also discussed. Zoning Administrator, Gene Garate, explained further that the attorney had previously stated the town could sell the easement or abandon it, which allowed citizens to use it, but stopped the easement becoming completely open like Kanarrville Falls.

The Mayor asked the Council to come to the January meeting with some suggestions and opinions on the matter.

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b. Discussion of Virgin Town 99-year lease with Nelson/Amy Maloney.

The Mayor stated that it had been brought to staff's attention that Virgin Town owned a small portion (60 feet or so) of the Maloney property, which had recently been sold. However, since the agenda had been posted, the agreement to sell that portion to the Maloney's had been found. They would, in turn, sell it to the new owners. No further discussion was needed.

* Mayor Spendlove updated the Council on the new water tank. He stated that the cost of the environmental impact study had been estimated to be \$70,000. Rod Mills, town engineer, had recently emailed that he could get the price down to \$50,000, but it would take three years to complete, and the BLM could still say that the tank could not be built. The Mayor suggested that the town put the water tank money into new and larger pipe to improve the fire flow on the east side of town. Tony Nelson, Zion Wildflower, had taken the pipeline from the tank at the dump station to the highway, which would make it easier for the town. He also reported that Rod Mills was running the models to see what size of pipe was needed to get adequate water to that side of town. Then, if the town wished to pursue the water tank in ten years, the easements and pipe for the new tank would be in place. The Mayor continued that LeRoy Thompson had suggested the town purchase land from K & K and place the new tank next to the existing tank. This would eliminate dealing with the BLM and easements, etc., and the time frame would be much more reasonable. The reasons a new tank was needed were discussed, which included storage. It was agreed that until the town grew substantially, the storage was not needed, but the fire flows on the east side of town were needed now. Larger pipe would fix the flow problem. The Mayor then reported that Justin Maybe, who had planned to put in an RV park on the East side of town, was willing to contribute \$100,000 to the larger pipeline.

* LeRoy Thompson reported that he had sent all Council Members an email asking where they would like the Zion Trail to be located. He showed a map, which included several multi-use trail options. One on the north side of the river, one that followed SR9, one following the river, and finally one on the south side of the river. The Council's general consensus was the proposed trail that followed the highway. The proposed trail that came up the twist was also included in the email. Council Member Thompson continued explaining that the group that was in charge had named themselves The Zion Region Collaborative. There were two things they were pushing for: the trail and a national scenic route designation for SR9 (which would give funds for brochures, advertising, and improvements). The group had hired a girl to help with the planning, paid for by a grant. Jay Lee stated that there were many restrictions if the highway was designated as a scenic route.

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* Monica Bowcutt, Town Clerk, reminded the Council that they needed to complete the Capital Improvement List. The Council reviewed the one-year plan. Mayor Spendlove reported that FEMA was currently doing a drainage study in town. He asked the Council to give their Capital Improvement lists to the staff by the first of the year.

B. REGULAR MEETING Action Items 7:00 PM

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:02 pm.

2. Invocation/Pledge of Allegiance

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

3. Declaration of Conflict of Interest

Kevin Stout declared a conflict of interest on item number 8, the rezone.

4. Consent Agenda:

5. November Checks and Invoices

6. November19, 2019 Town Council Meeting Draft Minutes

No discussion took place.

Dan Snyder moved to approve items 5 and 6. 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 unanimously approved.

7. Discussion and possible approval of the town's issuance of a Special Warranty Deed converting long term leasehold interest in small parcel or real property to fee simple interest-Grantee: the estate or assignee of the estate of Nelson Maloney. Property located at approximately South East corner of 113 South Mill Street Virgin Utah.

Monica Bowcutt, Town Clerk, explained that the attorney had said the deed was needed because the lease was in Nelson Maloney's name and it was supposed to go to Amy Maloney and then Marie, who would in turn sell it to the new property owners. The new deed gave the property (30 feet by 50 feet area) to Marie (Nelson and Amy Maloney's daughter) for \$10 and some labor. Then Marie was free to sell the property to the new owners.

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LeRoy Thompson moved to approve the item #7 Warranty Deed to the Nelson's. 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.

8. Discussion and possible approval of P&Z recommendation to approve ORD # 2019-37 a zone change application of parcel of land located at Approximately 420 West SR9 Virgin, Utah.

Mayor Spendlove explained that this was the 8-acre piece of property owned by K&K which had been partitioned from 40 acres at the November meeting. The map was included with the paperwork. The property was located almost straight across from the Munn property.

LeRoy Thompson moved to approve P&Z recommendation to rezone the parcel of land located at approximately at 420 West SR9 in Virgin, Utah called Ordinance #2019-37. Jay Lee 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 and possible approval of P&Z recommendation to approve ORD #2019-38 a subdivision preliminary plat application for a parcel of land located at approximately 75 South 625 West Virgin, Utah.

Mayor Spendlove reported that this item was on the agenda by mistake, because P&Z had tabled the item. Therefore, the Council needed to do the same.

Dan Snyder moved to table item # 9. 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.

10. Discussion and possible approval of P&Z recommendation to approve ORD #2019-40 an ordinance amending, clarifying and restating sections of Chapter One General Provisions and Introduction to Definitions of VULU.

Gene Garate, Zoning Administrator, explained that there were two changes. First, the name had been changed from General Provisions and Introduction to Definitions to General Provisions and Definitions. Second, adding four definitions for cannabis and clarifying

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conditional uses and permits for cannabis. The current ordinance had nothing in place for cannabis and the state had recommend an ordinance be in place. Gene Garate continued that the ordinance and definitions met the state standards, which the town was regulated by.

LeRoy Thompson moved to approve Ordinance #2019-40, Amending Chapter One of the Virgin Uniform Land Use Ordinance. 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.

11. Discussion and possible approval of P&Z recommendation to approve ORD #2019-41 an ordinance amending clarifying and restating sections of Chapter Four Supplementary and Qualifying Regulations of VULU.

Gene Garate, Zoning Administrator, explained that there were four changes. First, removing the minimum height requirement. Second, removing the ability of the Mayor, Town Council, Zoning Administrator or their agents to issue citations. By law, they could not have this right, however, the amendment gives law enforcement the ability to cite. Third, simplified the formulas used to find setbacks for non-conforming properties that were smaller than 1 acre. Fourth, the addition of cannabis production ordinance as per state code.

Dan Snyder moved to accept Ordinance #2019-41 an ordinance amending clarifying and restating sections of Chapter Four. 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.

12. Discussion and possible approval of P&Z recommendation to approve ORD #2019-42 an ordinance amending sections of Chapter Six Home Occupations of VULU.

Gene Garate stated that the first change was simplifying the definition of a public nuisance. The second change was to allow the professional staff (clerk, mayor, public works, and zoning administrator) approve home occupations, instead of running them through the P&Z and Town Council.

Kevin Stout moved to approve P&Z recommendation to approve Ordinance #2019-42 an ordinance amending sections of Chapter Six Home Occupations of VULU. 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.

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13. Discussion and possible approval of P&Z recommendation to approve ORD #2019-43 an ordinance amending Chapter Eight Town Standards, Conditions, and Conditional Uses of VULU.

Gene Garate explained that two changes had been made. First, Chapter 8 would be renamed to Conditions and Conditional Uses. Secondly, Town Standards had been moved to Chapter 4 with the definitions being taken out.

LeRoy moved to approve Ordinance #2019-43 Item 13 on the agenda. 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.

14. Discussion and possible approval of P&Z recommendation to approve ORD #2019-44 an ordinance amending Chapter Fifteen of VULU.

Gene Garate stated that the title had been changed from Zones to Zones and Uses, the Mobile Home District had been removed, Section 15.3 had been added, and additional medical cannabis information. He explained that the state said you cannot prohibit pharmacy's or chemist except for primary residential areas. It was clarified that the Council would need to revisit the ordinance to take the overlay zone out.

Jay Lee moved to adopt Ordinance #2019-44 an ordinance amending Chapter Fifteen of VULU. 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 unanimously approved.

15. Discussion and possible approval of P&Z recommendation to approve ORD #2019-45 an ordinance amending title, sections and boundaries of Chapter 22 Highway Resort Zone of VULU.

Mayor Spendlove stated that the proposed location change began at section line 700 (which was about the entrance to Rio de Sion) and goes to the boundary on the East side of the town. A lot of the ground above the starting point was already eligible for the Highway Resort Zone.

Jay Lee moved to adopt Ordinance #2019-45 an ordinance amending title and sections of Chapter Twenty-Two of VULU. LeRoy Thompson gave the second.

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Gene Garate, Zoning Administrator, stated another change in the ordinance was removing the blanket statement "prohibited uses". The Mayor stated state law said prohibited uses must be listed, not just included in a blanket statement. If there was something the town did not want; it must be listed.

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.

16. Discussion and possible approval of P&Z recommendation to approve ORD #2019-46 an ordinance amending, clarifying and restating sections of Chapter Twenty-Three Restrictive Development Overlay Zone (RD) of VULU.

Gene Garate explained there was no land zoned that way and there was not a plan to zone any this way. It was clarified that this was the Restrictive Overlay Zone, not the Overlay Zone. Dan Snyder stated that this ordinance was just a house keeping ordinance.

LeRoy Thompson moved to approve P&Z recommendation to approve Ordinance #2019-46 an ordinance amending, clarifying and restating a section of Chapter Twenty-Three: Restrictive Development Overlay Zone. 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.

17. Discussion and possible approval of P&Z recommendation to approve ORD #2019-47 an ordinance amending, clarifying and restating sections of Chapter Twenty-Five Congregate Living Facilities (CLF) of VULU.

Gene Garate explained that there were two changes. Congregate living facilities have specific laws they must follow concerning disabilities. Drug use was considered a disability. The town had no ability to drug test individuals who go into a congregate living facility, therefore, the CLF Ordinance put the town at a high risk for legal action. This type of business was heavily regulated by the state already. The second change was removal of redundant information as far as the process of receiving a conditional use permit for the use.

Jay Lee moved to adopt Ordinance #2019-47 an ordinance amending Chapter Twenty-Five of VULU. 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.

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18. Discussion and possible approval of P&Z recommendation to approve ORD #2019-48 an ordinance amending, clarifying and restating sections of Chapter Twenty-Six Sign Regulations of VULU.

Gene Garate explained that initially the changes were to remove the Byways.org website, which no longer existed, however, the more the P&Z reviewed the ordinance they felt the ordinance was out of purview of the town. They felt it was covered by different ordinances. If someone came in for a sign, they must meet the town's requirements locate throughout VULU.

LeRoy Thompson moved to accept P&Z recommendation on Ordinance #2019-48 an ordinance amending Chapter Twenty-Six of VULU. 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.

19. Discussion and possible approval of P&Z recommendation to approve ORD #2019-49 an ordinance amending, clarifying and restating sections of Chapter Twenty-Seven Alternative Energy Systems of VULU.

Gene Garate explained that Alternative Energy sources were solar, wind, heat, etc. The chapter was extremely engineer oriented, which made it hard because the laws and terminology changed so frequently. After speaking with the town engineer, it had been decided that some of the basic descriptions should be removed. The ordinance now included wording not allowing wind farms, as a prohibited use. The definitions were moved to Chapter One and anything that was engineering related, beyond basic understanding, was removed.

Dan Snyder moved to adopt Ordinance #2019-49 an ordinance amending clarifying and restating sections of Chapter Twenty-Seven. 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 unanimously approved.

20. Discussion and possible approval of P&Z recommendation to approve ORD #2019-50 an ordinance amending, clarifying and restating sections of Chapter Thirty Short Term Rental and Residential Hosting Facilities of VULU.

Gene Garate explained that the town had a complaint policy, which allowed a business to be shut down on an unresolved complaint, which was very broad. The complaint standard had been revised, which also restated in several places, including Chapter Three.

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Kevin Stout moved to adopt Ordinance #2019-50 an ordinance amending clarifying and restating sections of Chapter Thirty: Short Term Rental and Residential Hosting Facilities. 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.

21. Open Forum: Limit 2 minutes per speaker

- * Sean Amodt thanked Dan for his service.

- * Bruce Densley thanked Dan for his service. He then thanked Lenny and Raymond Brinkerhoff for their work on the Wreaths Across America. Many volunteers placed the wreaths on the graves. He had heard some say the money should have been spent on the veterans, instead. He disagreed, reviewing how the draft and volunteering for service had changed over the years. Also, the Battle of the Bulge was reviewed and how heroic the soldiers had been when over 19,000 had died. Mr. Densley then reviewed the history of the Wreaths Across America and how he was involved in the foundation. He asked people to donate, if they had a few extra dollars.

- * Carolyn Matsler stated that Lenny Brinkerhoff had organized Virgin, Rockville, and Virgin residents to place the wreaths. She felt it had a tremendous effect on the people and kids who were present. She hoped it would be an annual event.

- * Sean Amodt thanked those who had helped put on the Town Christmas party. He felt it was beneficial for the town and hoped they would keep going.

22. Council Comments:

Jay Lee expressed appreciation to the Zoning Administrator and the Planning and Zoning. They were doing a great job researching and doing all the hard work. He then wished everyone a Merry Christmas.

LeRoy Thompson also thanked Gene for the work he was doing on cleaning up the ordinances. He was making them easier to understand. He tried to attend all the Planning and Zoning meeting and there was a lot of discussion. He also thanked Dan Snyder for all that he had done.

Kevin Stout also thanked Dan, stating he was a good asset to the town. He then wished everyone a Merry Christmas.

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Dan Snyder reported he did not make the Waste District Meeting, which he assumed was mostly cleaning up the Recycling program. He appreciated all the thank you notes, although he could not deny he was excited it was his last meeting. He reported serving for 11 years. He appreciated all that he had learned and getting to know more people. He hoped people felt they could still get in touch with him. He wished everyone a Merry Christmas.

Mayor Spendlove presented Dan with a card and plaque for all his hard work and efforts over the years. He also thanked Dan and said he would be greatly missed.

23. Possible motion to hold an Executive Session.

The Council needed to hold an Executive Session.

LeRoy Thompson moved to close the public meeting and open and executive meeting. 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.

The public was dismissed at 7:53 pm.

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 public meeting adjourned at 8:46 pm.

Monica Bowcutt
Town Clerk

Approved:_____