

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time.

Present:

Council Members: Matthew Spendlove, Mayor
LeRoy Thompson
Jay Lee

Others:

In person:

Monica Bowcutt, Town Clerk
Darcey Spendlove
Lesa Sandburg
Karen Spendlove
Sean Amodt

Facebook Live:

August Lee
Steffan Gregory
Chris Downard
Bonnie Timmerman
April Mckeen

A. WORK MEETING/Non-Action Items: 6:30 p.m. Town Hall

a) Dogs at Large Ordinance, including Kennel limit, 3 or more dogs or 4 or more dogs?

Mayor Spendlove stated that dogs running at large could not currently be prosecuted because of the way the ordinance was written. The Ordinance needed to be rewritten and the Mayor was not sure Virgin needed that type of ordinance right now. He stated that the entire ordinance would have to be rewritten to prosecute dogs running loose. The prosecuting attorney had given some ideas on how to change it, but the Mayor was not sure the town wanted to do what she had suggested. He asked the Council to look at the current ordinance, the suggestions and come ready to discuss the issue in November.

b) Discussion of Rio de Sion requirement for 2nd access.

The Mayor reported that the State Fire Marshal had said the only thing the Town had the responsibility to do was keep the state code. Anything over and beyond that code, the Town Council had the right to say yes or no by vote. He reported the Rio de Sion had been approved with a second access and then approved without a second access, so there were some discrepancies. Putting another bridge across the river to supply another access would cost 1.5 million dollars. He then reported that the subdivision (phases 2 and 3) was under contract to be purchased, but the buyer would not put a bridge in because of the cost. Jay Lee stated he understood that the subdivision had been approved as an all-weather road second access connecting onto Sheep Bridge. The Mayor replied that was a lot of money to make that road into an all-weather road. He also stated that he had attended a lot of meetings about the second access including with Tom Kuhlman, county commissioners, and the county attorney. He had

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time. been told the Chief Kuhlman was going over his boundaries. The State Fire Marshal was going to contact Chief Kuhlman to set him straight.

The provision in state code in lieu of a second access was requiring sprinklers in the houses. According to the State Fire Marshal, the Town needed to approve a resolution stating the other 2 phases must have sprinklers, in lieu of a second access. As the lots were sold the deeds would have the sprinklers included. Town Council must pass the resolution for only Phases 2 and 3. It was stated that sprinklers would add about \$6,000 to a house cost. The Mayor reported that John Staples was buying the subdivision, so he could build a bridge as cheap as it could be done because of his dad's business. These people could only do it for 1.2 million, which did not include installation. The Mayor continued that 49 more lots were available to build out. LeRoy Thompson stated he was ok with what the fire marshal had said. Ted Black was the State Fire Marshal the Mayor had spoken to. The Mayor reported that Mr. Black had told him there would not be a precedent set because in other locations it may make sense to put two accesses in, but in Rio de Sion it did not.

The Mayor asked if the Council would be willing have to have a special meeting to pass the resolution before the closing dates. The Council agreed to hold the meeting, but the date would be decided at a later time.

B. REGULAR MEETING/Action Items: 7:00 p.m. Town Hall

1. Call to Order - Mayor Matthew Spendlove

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

2. Invocation/Pledge of Allegiance.

Lesa Sandberg offered the prayer. LeRoy Thompson led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

No conflicts of interest were disclosed.

4. Consent Agenda:

A. Discussion and possible approval of September 2020 Checks & Invoices.

B. Discussion and possible approval of August 31, 2020 and September 23, 2020 Draft Minutes.

Jay Lee asked about the mis-labelled Prince Pageant line item, Washington County Water Conservancy Districts payments. All questions were answered. Council Member Lee also asked that his complete comments be included with the minutes. He agreed to write his comments to be inserted.

LeRoy Thompson moved to approve the August Checks and Invoices and the draft minutes. Jay Lee gave the second.

Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time.

The motion was approved unanimously.

Monica Bowcutt read a letter from Lee Ballard expressing concerns with expanding the Residential Zone. This is included in the minutes.

5. Discussion and possible approval or denial of proposed Ordinance # 2020-21 Amending Ch. 32.02 (Residential Zone Location) of The Virgin Uniform Land Use Ordinances ('Vulu') TABLED in September.

Mayor Spendlove stated he had spoken to the Town Attorney and Zack Renstrom, from the WCWCD, and they felt the Ordinance should be tabled. Jay Lee stated there was no hurry, even if it had been approved on the North side of the road.

*Jay Lee moved to table Ordinance 2020-21. LeRoy Thompson gave the second.
Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.*

6. Discussion and possible approval for Subdivision Rio de Sion to not be required a second access.

The Mayor stated this had been discussed in the work meeting and no action was needed.

*LeRoy Thompson moved to table item number 6. Matt Spendlove gave the second.
Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.*

7. Discussion and possible approval or denial of proposed ORDINANCE #2020- 29 CHAPTER 40.32 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Sean Amodt explained that this change deleted a lot of the architectural design requirements, so designing a home/business was simpler. One change, for example, was to not require certain roof materials or color. The hope was to encourage the utilization of architectural things that would match the area, instead of the town making the design decisions.

*LeRoy Thompson moved to approve item number 7, Ordinance 2020-29 Chapter 40.32 of the Virgin Uniform Land Use Ordinance. Jay Lee gave the second.
Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.*

8. Discussion and possible approval or denial of proposed ORDINANCE #2020-33 AMENDING SECTIONS OF CHAPTER 44.12 (COMMERCIAL ZONE) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

Sean Amodt explained that several months ago, this same change had been made to open space in the Highway Resort Zone. This Ordinance was changing the same thing to open space in the Commercial Zone because it was redundant. Now it just referred the reader to the setbacks and

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time. buffer requirements.

Jay Lee moved to approve ordinance 2020-33 amending sections of Chapter 44.12 the Commercial Zone in order to maintain continuity between other sections of VULU.

LeRoy Thompson gave the second.

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

9. Discussion and possible approval or denial of proposed ORDINANCE #2020-34 AMENDING CHAPTER 2.12 (GENERAL PROVISIONS AND DEFINITIONS LETTER B) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

- **Updating Manufactured Home definition**
- **Updating 'Mobile Home' definition**
- **Updating Subdivision definition**

Jay Lee stated he liked the new definitions of manufactured home, mobile home, and subdivision. Sean Amodt stated they were state code definitions being inserted into VULU.

LeRoy Thompson moved to approve item 9 Ordinance 2020-34 amending Chapter 2.12 of the General Provision and Definitions Letter B in order to maintain continuity of other sections of VULU. Jay Lee gave the second.

Sean Amodt stated that the Planning and Zoning had made one change in section B. He felt that the Town Council should move to approve the Ordinance as the P&Z commission had approved it. The change had been made to Building Elevated to be approved with the new definition. The Planning Commission had decided that it was not a drastic change and could be approved with the new definition (which had been read into their motion and placed in the cloud).

LeRoy Thompson moved to approve as published to the public. Jay Lee gave the second.

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

Mayor Spendlove stated because the motion had been made to approve it how it had been published to the public, the Ordinance would need to be brought back to the P&Z and Town Council to be approved with the new definition.

10. Discussion and possible approval or denial of proposed ORDINANCE #2020-36 AMENDING SECTIONS OF CHAPTER 8.18 (SUPPLEMENTARY AND QUALIFYING REGULATIONS) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

Monica Bowcutt, Town Clerk, explained that the change was being made to accessory buildings by taking out the 25% requirement. LeRoy Thompson clarified that as long as the building was not in the setback, it could be as big as they wanted it.

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time.

LeRoy Thompson moved to approve item number 10
Ordinance 2020-36 amending sections of Chapter 8.18. Jay Lee gave the second.
Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.

11. Discussion and possible approval or denial of proposed ORDINANCE #2020-37 AMENDING CHAPTER 18.04 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Monica Bowcutt explained the change was being made to subdivision definitions. Sean Amodt further commented that Gene Garate, Zoning Administrator, had wanted to make sure the state code and the Town's definitions matched. He showed the current wording that was being removed and then the definitions of subdivision from state code being added in. LeRoy Thompson clarified that the town definition was being replaced by state code.

LeRoy Thompson moved to approve item 11 Ordinance 2020-37 amending Chapter 18.04 of the Virgin Uniform Land Use Ordinance. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.

12. Discussion and possible approval or denial of proposed ORDINANCE #2020-38 AMENDING CHAPTER 8.60 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Mayor Spendlove stated that this change was clarification on manufactured homes by adding the state code definition.

Jay Lee moved to approve item 12 Ordinance 2020-38 amending Chapter 8.60 of the Virgin Uniform Land Use Ordinance. LeRoy Thompson gave the second. Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.

13. Discussion and possible approval or denial of proposed ORDINANCE #2020-39 AMENDING CHAPTER THIRTY OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Monica Bowcutt showed the existing table and the proposed table. Sean Amodt explained the table, the uses, and zones for conditional, permitted, and prohibited. He added that to better clarify kennel, the word commercial had been added to separate it from a household kennel. The Council asked that a table key be added below the table to make it better understood. Sean Amodt stated that Planning and Zoning would add uses to each zone as they came through.

LeRoy Thompson moved to approved item 13 Ordinance 2020-39 amending Chapter 30 of the Virgin Uniform Land Use Ordinance. Jay Lee gave the second.
Roll call vote: Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm

114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time.

14. Discussion and possible approval or denial of proposed ORDINANCE #2020-40 AMENDING CHAPTER 18.06 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

LeRoy Thompson read comments that had been submitted from Paul Luwe. Mr. Luwe asked that state code be included in the Ordinances. This comment is included with the minutes.

Sean Amodt stated those codes were already included in the Ordinance. LeRoy Thompson double checked and agreed.

*Jay Lee moved to approve item 14 Ordinance 2020-40 amending
Chapter 18.06 of the Virgin Uniform Land Use Ordinance.*

LeRoy Thompson gave the second.

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

Bonnie Timmerman commented via Facebook Live that the chart had not been available to the public before the Town Council meeting. She had not been able to find the changes after the P&Z meeting. The Council decided that the public had been present during the public hearing and when the Commission had filled in the chart completely.

15. Discussion and possible approval or denial of proposed ORDINANCE # 2020-41 AMENDING CHAPTER SIXTEEN OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Sean Amodt explained this was Ordinance was about casitas. He stated that at one time the Town was trying to encourage one over the other. The Commission saw no reason for that. The changes made the detached and attached the same percent of the main home. Now it read that casitas cannot be more that 50% of original building.

Matt Spendlove moved to approve 2020-41. LeRoy Thompson gave the second.

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

a. Open Forum: Limit 2 minutes per speaker:

Bonnie Timmerman commented via Facebook Live stating: The finished chart someone on the P&Z asked to be read and Cameron said he would email it to the members. So, they had questions too. Lesa Sandberg answered stating that she thought that had happened two months ago, but at the last meeting the chart had been completed during the meeting.

b. Council Comments:

Jay Lee thanked Planning and Zoning for working really hard to make things easier to understand. He felt it was really good.

LeRoy Thompson complemented P&Z stating that their hard work made it easier for the Council.

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, October 28, 2020
6:30 pm
114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Please type your name for the attendance record when you log on. Public will use chat feature to comment at the appropriate time.
Mayor Spendlove agreed.

The Mayor stated that the chart had gone to public hearing and had been worked on in a public meeting for two months. Monica Bowcutt stated that the office machines had not been functioning and it had perhaps not made it to the public website. Monica was looking it up as the Mayor called for adjournment.

c. Possible motion to hold an Executive Session.

No meeting was needed.

E. ADJOURN PUBLIC MEETING:

d. Motion to Adjourn Public Meeting.

Jay Lee moved to adjourn. LeRoy Thompson gave the second.

No roll call vote was taken.

The meeting was unanimously adjourned.

The public meeting adjourned at 7:44 pm.

Monica Bowcutt
Town Clerk

Approved:_____