

VIRGIN TOWN COUNCIL MEETING

FINAL MINUTES

Wednesday, January 27, 2021

5:30 pm

114 S. Mill Street, Virgin, Utah

In person and virtual meeting (Facebook Live on Town of Virgin Facebook page). Public will use chat if they have something to say when it's the appropriate time.

Present:

Council Members: Matthew Spendlove, Mayor
Gene Garate
Jay Lee
LeRoy Thompson

Others:

In room:

Monica Bowcutt
Lesa Sandberg
Drew Allred

Sean Amodt
Karen Spendlove

Facebook Live:

Karen Spendlove
Lesa Sandberg
April McKeon

Lorraine Bacis
Cameron Spendlove

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

TBD

The Council and staff discussed multiple topics at the same time. No official conversation took place.

Mayor Spendlove stated the Council would be tasked with combining the Rural Residential and Residential Zones. This document would then be reviewed by the P&Z and then sent back to the Council for approval. The February work meeting had been scheduled for this discussion. He asked the Council Members to review both zones and come ready to discuss the issue and finalize the new zone.

Monica Bowcutt stated the Council must complete the Open and Public Meeting Training, which was required each year. She asked if the Council would like to schedule a time to watch an online training together or do the training at home on their own time. The Council agreed to schedule a time other than a Council meeting to complete the training. Monica would get a few dates together and let the Council members decide which day worked the best for them.

Monica Bowcutt stated the financial documents had not been posted, so they could not be approved at this meeting. She would post them for the February meeting.

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

1. Call to Order - Mayor Matthew Spendlove

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

2. Invocation/Pledge of Allegiance.

Candus Tibbitts gave the invocation. Gene Garate led the Pledge of Allegiance.

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3. Declaration of Conflict of Interest.

No conflicts of interest were declared.

4. Consent Agenda:

Discussion and possible approval of Checks & Invoices.

Discussion and possible approval of Draft Minutes.

Jay Lee moved to table the financial part and approve the draft minutes.

Gene Garate gave the second.

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

The motion was approved unanimously.

LeRoy Thompson asked Monica Bowcutt, Town Clerk, if a de-annexation could have a referendum filed. She replied yes. Anything that is done by ordinance was eligible to have a referendum filed.

5. Discussion and possible Appointment or Affirmation of Pro Tem

Mayor Spendlove reported that Kevin Stout did not want to serve as Pro Tem any longer. The Mayor wished to appoint LeRoy Thompson to the position.

Mayor Spendlove moved to appoint LeRoy Thompson as the Mayor Pro Tem. Jay Lee gave the second.

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

The motion was approved unanimously.

6. Discussion of possible changes to the Virgin Town Fee Schedule - HTS Coordinators

The Mayor reported that he had asked Becky Erikson and Staci Kroff, who had been running Heritage Town Square for a while, if they thought the fees were adequate. Becky and Staci were present. Staci reported that they had started advertising more, so more questions had come up. They were wondering if they could begin charging an hourly rate for the night before a wedding so renters could set up and have rehearsals. Perhaps a three hour block the night before the event. The suggested hourly price was \$50, instead of \$20. Another thought would be to offer different packages with a set price for each. Discussion continued about the rates as whole, including a charge for the alcohol permit. The Mayor asked if they could use some money from the budget to advertise. He asked for prices within the month to allocate the into the budget.

The Council stopped discussion while the Facebook Live was put on the correct Facebook page.

The Council continue with discussion on fee schedule changes. Gene Garate explained that state code

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said the town had no oversight on lot-line adjustments, boundary adjustments or parcel adjustments. If property owners wanted to move the boundaries, they did not have to come to the town. The Town attorney had said something should be included on the fee schedule, but the law could not be more strict than state code. Mr. Garate, continued, stating that it had been discussed in the office that the ordinance should include wording that asked that the town be notified in order to stay informed and give advice of requirements. Monica Bowcutt reported that Heath Snow felt it was a big mistake to remove the parcel adjustments entirely from the fee schedule. The change in the law did not say the town could not require them to come in for a boundary adjustment, but it was just not as big of a deal as it had been in the past.

Monica Bowcutt also reported that the new increase of the trash pick-up and the recycling was being added to the fee schedule. Candus Tibbitts asked if the fee schedule had to be so specific, or could it be generalized.

Monica Bowcutt stated that they were wondering if the town could charge a reconnect fee after 5 pm. The Council discussed this in detail. Candus Tibbitts suggested that reoccurring shut offs be required to put a deposit down.

Gene Garate asked what the 'change to General Plan' for \$500 was for. Monica Bowcutt explained it was if a resident proposed a change to the General Plan.

Monica Bowcutt pointed out that she had just inserted \$100 for the alcohol permit, but any number could be added. Jay Lee stated he felt it should be \$500.

Monica Bowcutt then stated that the excavation fee had been removed from the building permit. She questioned if the Council had only removed it from Residential, not for Commercial, but could not find any documentation. The Mayor stated some research would have to be done.

7. Presentation of FY 2019-2020 Audit Findings - Hinton Burdick - Candus Tibbitts

Candus Spendlove stated this audit was from July 1, 2019 to June 30, 2020. The purpose of the audit was to express an opinion on the financial standards of the town and ensure they were free from material misstatements. The town had received an unmodified or clean opinion, which meant there were no problems with the financial data. However, there were three non-material weaknesses or deficiencies. Opening and closing of meetings, notices and timely posting of minutes and annual trainings.

She continued with showing the five-year comparison in graph form. She stated the Town was in a healthy place. Revenue and expenditures were looking good. She suggested the town watch the water fund, so that the expenditures did not out spend the revenues. The cash flow looked good in the water fund.

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8. Close the Public Meeting and Open the Public Hearing

Jay Lee moved to close the public meeting and open the public hearing.

Gene Garate gave the second.

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

The motion was approved unanimously.

9. Public Hearing to accept comments on the Amending the Town Fee Schedule

--Sean Amodt suggested the Council look at the actual dollar amount it would cost to give service, rather than arbitrary numbers on the fee schedule. He felt that as fees were explained, the justification be given.

--Cameron Spendlove commented via Facebook Live:

Here is the exact language for the boundary adjustment from Utah state ordinance.

4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a, Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is not subject to:

- (a) any public notice, public hearing, or preliminary platting requirement;
- (b) the local entity's planning commission review or recommendation; or
- (c) an engineering review or approval of the local entity.

10. Close the Public Hearing and Open the Public Meeting

Jay Lee moved to close the public hearing and open the public meeting.

Gene Garate gave the second.

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

The motion was approved unanimously.

11. Discussion and possible approval of Resolution # 2021-A Amending the Virgin Town Fee Schedule

The Mayor stated he liked Sean's comment, but not every fee could be pinpointed to the exact cost. He also believed something should be added for the alcohol permit. Gene Garate stated he was ok with a low fee and a high deposit. The Mayor agreed, but only for the alcohol permit. The Council agree to raise the alcohol deposit to \$500, plus the non-refundable \$100 permit. If no alcohol permit was needed, the deposit would be \$300. The Council liked the idea of rental packages for the large rentals, with the rental beginning on Friday at 3 pm until closing time the next day. The amount for this package was set at \$1000. The daily rate was raised to \$850 for non-residents and \$750 for residents. The Council agreed that the hourly rate should be raised to \$40.

The boundary adjustment was to be left in, but the charge would be changed to \$0.

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The water reconnect fee was changed to \$300 for after 5 pm.

Leroy Thompson moved to approve the Resolution on the new fee schedule as discussed. Gene Garate gave the second.

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

The motion was approved unanimously.

12. Discussion and Possible Approval of a Partition of Land Application, One Parcel # V-56-B Located at Approx. 218 E. 130 S. Dividing Into 2 Lots (Lot 1, 1.17 Acres, Lot 2, 1.37 Acres) - Drew Allred.

Mayor Spendlove explained the partition was located down at the end of the street near the river. Each lot was more than an acre.

LeRoy Thompson moved to approve number 12 the partition of land on parcel # V-56-B located at approximately 218 E. 130 S. Dividing into 2 Lots (Lot 1, 1.17 Acres, Lot 2, 1.37 Acres).

Jay Lee gave the second.

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

The motion was approved unanimously.

13. Discussion and possible approval of Ordinance # 2021-19

Monica Bowcutt explained this ordinance changed asphalt thickness to three inches from two and a half.

Matt Spendlove moved to approve ordinance 2021-19.

Jay Lee gave the second.

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

The motion was approved unanimously.

14. Discussion and possible approval or denial of proposed Ordinance # 2021-2 AMENDING CHAPTER 2.12 DEFINITIONS (BUILDING ELEVATED, CHILD NURSERY).

Gene Garate explained the definition had been changed for building elevated and child nursery. The ordinance part of it had been removed. Child nursery had been completely removed because it was not in any town ordinances.

*Jay Lee moved to approve ordinance 2021-2 amending chapter 2.12
definitions of building elevated and child nursery.*

LeRoy Thompson gave the second.

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

The motion was approved unanimously.

15. Discussion and possible approval or denial of proposed ORDINANCE # 2021-3 AMENDING CHAPTER 2.12 DEFINITIONS. (HEAT TRANSFER FLUID)

Gene Garate explained the original had the types and weights included, which was constantly changing. Those ordinance type words had been removed.

LeRoy Thompson moved to approve number 15, ordinance number 2021-3 amending chapter 2.12 definition of Heat Transfer Fluid.

Jay Lee gave the second.

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

The motion was approved unanimously.

16. Discussion and possible approval or denial of proposed ORDINANCE # 2021-4 AMENDING CHAPTER 2.12 DEFINITIONS. (HOME OCCUPATION)

Gene Garate explained that the ordinance portions of the definition had been removed.

LeRoy Thompson moved to approve number 16 ordinance 2021-4 amending chapter 2.12 definition of home occupation.

Jay Lee gave the second.

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

The motion was approved unanimously.

17. Discussion and possible approval or denial of proposed ORDINANCE # 2021-5 AMENDING CHAPTER 2.12 DEFINITIONS. (HEALTH OFFICER)

Gene Garate explained that the definition of local health officer had been removed because it was not referenced anywhere in the ordinances.

LeRoy Thompson moved to approve number 17 ordinance 2021-5 amending chapter 2.12 definition of health officer.

Jay Lee gave the second.

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

The motion was approved unanimously.

18. Discussion and possible approval or denial of proposed ORDINANCE # 2021-6 AMENDING CHAPTER 2.12 DEFINITIONS. (Glamping)

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Gene Garate stated it did not exist anywhere in the ordinances, so it had been removed.

LeRoy Thompson moved to approve item number 18 ordinance 2021-6 amending chapter 2.12 definition of glamping.

Jay Lee gave the second.

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

The motion was approved unanimously.

19. Discussion and possible approval or denial of proposed ORDINANCE # 2021-7 AMENDING CHAPTER 2.12 DEFINITIONS. (Grade)

Gene Garate stated all the information changed with the International Building Code and could be found in those manuals. The one that had remained, determining height of the building.

LeRoy Thompson moved to approve item number 19 ordinance 2021-7 amending chapter 2.12 definition of grade.

Jay Lee gave the second.

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

The motion was approved unanimously.

20. Discussion and possible approval or denial of proposed ORDINANCE # 2021-8 AMENDING CHAPTER 2.12 DEFINITIONS. (Junk)

Gene Garate explained that the ordinance portion had been removed.

Matt Spendlove moved to approve ordinance 2021-8 amending chapter 2.12 definition of junk.

LeRoy Thompson gave the second.

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

The motion was approved unanimously.

21. Discussion and possible approval or denial of proposed ORDINANCE # 2021-9 AMENDING CHAPTER 2.12 DEFINITIONS. (Junk Cars)

Gene Garate explained that the term was nowhere in the ordinances, so it had been removed.

LeRoy Thompson moved to approve item number 21 ordinance 2021-9 amending chapter 2.12 definition of junk cars.

Jay Lee gave the second.

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

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The motion was approved unanimously.

22. Discussion and possible approval or denial of proposed ORDINANCE # 2021-10 AMENDING CHAPTER 2.12 DEFINITIONS. (Junk Yard)

Gene Garate stated that the term was not used anywhere in town ordinances, so it had been removed.

Matt Spendlove moved to approve ordinance 2021-10 amending chapter 2.12 definition of junk yard.

LeRoy Thompson gave the second.

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

The motion was approved unanimously.

23. Discussion and possible approval or denial of proposed ORDINANCE # 2021-11 AMENDING CHAPTER 2.12 DEFINITIONS. (Lumen)

Gene Garate explained the ordinance part had been removed from the definition.

LeRoy Thompson moved to approve item number 23 ordinance 2021-11 amending chapter 2.12 definition of lumen.

Matt Spendlove gave the second.

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

The motion was approved unanimously.

24. Discussion and possible approval or denial of proposed ORDINANCE # 2021-12 AMENDING CHAPTER 2.12 DEFINITIONS. (Luminaire)

The definition was pulled out of the international electrical definition book to replace the one that was there.

LeRoy Thompson moved to approve item number 24 ordinance 2021-12 amending chapter 2.12 definition of luminaire.

Jay Lee gave the second.

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

The motion was approved unanimously.

25. Discussion and possible approval or denial of proposed ORDINANCE # 2021-13 AMENDING CHAPTER 2.12 DEFINITIONS. (Levee, Levee System)

Gene Garate explained that neither one existed in town ordinances. The definitions had been removed.

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Matt Spendlove moved to approve ordinance 2021-13 amending chapter 2.12 definitions of levee and levee system.

Jay Lee gave the second.

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

The motion was approved unanimously.

26. Discussion and possible approval or denial of proposed ORDINANCE # 2021-14 AMENDING CHAPTER 2.12 DEFINITIONS. (Off Street Parking)

Gene Garate stated that the ordinance portion had been removed from the definition.

LeRoy Thompson moved to approve item number 26 ordinance 2021-14 amending chapter 2.12 definition of off-street parking.

Jay Lee gave the second.

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

The motion was approved unanimously.

27. Discussion and possible approval or denial of proposed ORDINANCE # 2021-15 AMENDING CHAPTER 2.12 DEFINITIONS. (Parking Lot)

Gene Garate currently stated that the current ordinance stated there had be more than four automobiles to be considered a public parking lot. This was not the definition, so it had been removed.

LeRoy Thompson moved to approve item number 27 ordinance 2021-15 amending chapter 2.12 definition of parking lot.

Jay Lee gave the second.

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

The motion was approved unanimously.

28. Discussion and possible approval or denial of proposed ORDINANCE # 2021-16 AMENDING CHAPTER 2.12 DEFINITIONS. (Residential Hosting)

Gene Garate explained that there was a contradiction between the short-term rental and the residential hosting chapters. The short-term rental chapter stated that the permanent resident of a home could operate a residential hosting unit. The residential hosting unit chapter did not mention the permanent resident. The residential hosting definition was being altered to include 'permanent resident'.

LeRoy Thompson moved to approve item number 28 ordinance 2021-16 amending chapter 2.12

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definition of residential hosting.

Jay Lee gave the second.

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

The motion was approved unanimously.

29. Discussion and possible approval or denial of proposed ORDINANCE # 2021-17 AMENDING CHAPTER 2.12 DEFINITIONS. (Travel Trailer Park)

Gene Garate stated the definition was being removed because it was not found in town ordinances.

***LeRoy Thompson moved to approve item number 29 ordinance 2021-17 amending chapter 2.12
definition of travel trailer park.***

Matt Spendlove gave the second.

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

The motion was approved unanimously.

30. Discussion and possible approval or denial of proposed ORDINANCE # 2021-18 AMENDING CHAPTER 60.04 (Residential Hosting Facility Purpose)

Gene Garate explained that the words 'permanent resident had been added, but also the description of everything already on the town application, the requirement for 10 occupants depended on the type of home, transient room tax number on application, and providing a solution of how problems will be reported had all been removed. If the home had not been changed or altered, there was no reason the homeowner needed to get inspections from the health department and fire district.

***LeRoy Thompson moved to approve item number 30 ordinance 2021-18 amending chapter 60.04
residential hosting facility purpose.***

Matt Spendlove gave the second.

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

The motion was approved unanimously.

a. Open Forum: Limit 2 minutes per speaker:

Lesia Sandberg stated that Heritage Town Square now had a Pokémon stop.

b. Council Comments:

Gene Garate stated that many people were calling on building in K&K and Rio de Sion. There was a little interest in people trying to find Kent Palmer and talk to him.

LeRoy Thompson stated he had distributed to the Council Members the half yearly comparison for the budget. He stated they had a responsibility to keep the town out of the red and not have any loss. He

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explained the sheets that had been handed out, which were for both revenue and expenses.

Matt Spendlove thanked LeRoy and Candus for making all things budget happen.

Jay Lee stated the council had just approved the lot split down the road. He looked at the gate down there and he saw people's equipment parked behind the locked gate, on town property. It reminded him of what the town had told Peterson's they could not buy because the town had to have it. All of a sudden there was a gate down there doing the same thing the town did not want the Peterson's to do. Actually, the town had taken away the fire turn around by putting the gate up. The Mayor reminded Jay why the gate was there, because of the tubers. He agreed it was not right that the town was letting some people use the streets and not others. Gene Garate stated the cul-de-sac would come when Drew started to develop the land.

Jay Lee stated that according to state code the fire district had to be separated from the city. They could not be in the same building. The city could not go to the district and tell them what they could do. Sean Amodt stated that some bylaws and other documents were required to be accessible. Because the fire district was set up through the city of Hurricane it was difficult for residents of other towns to receive service. The Mayor asked that he be kept informed with what they found out. He continued that the town was still having issues with the fire district.

c. Possible motion to hold an Executive Session.

No meeting was needed.

E. ADJOURN PUBLIC MEETING:

d. Motion to Adjourn Public Meeting

Gene Garate moved to adjourn. LeRoy Thompson gave the second. No roll call vote.

The motion was approved unanimously.

The public meeting adjourned at ? pm.

Monica Bowcutt
Town Clerk

Approved: _____