

**VIRGIN TOWN COUNCIL MEETING
FINAL MINUTES
AMENDED AGENDA
Wednesday, December 16, 2020
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
Kevin Stout
LeRoy Thompson

Others:

In room:

Monica Bowcutt	
Darcey Spendlove	Sean Amodt
John Staples	Lesa Sandberg
Jeff Staples	Karen Spendlove

Facebook Live:

Karen Spendlove	Lori Rose
Lesa Sandberg	Lisa Coombs
Darlene Pope	Larry Hammond
Ruth Riley	Walt Hallock
Valerie Hallock	Monte Lutz
April McKeon	Charlotte Downard
Dustin Grow	Myree Johnston, Brigham City

A. WORK MEETING/Non-Action Items: 5:30 p.m. Town Hall

a) Discussion of Sheep Bridge Road

Mayor Spendlove stated that it was on the agenda to repeal the ordinance that had made Sheep Bridge Road eligible for Highway Resort Zone. The Council needed to decide if they were going to repeal it and or the area to LaVerkin. Jay Lee stated that Joy Henderliter had stopped LaVerkin when they were trying to annex up to our boundary. Perhaps they wanted it now. Mayor Spendlove stated that a boundary adjustment was easier to do than a de-annexation. Jay Lee suggested it just be put back into the county or perhaps Hurricane would like to annex all or part.

Mayor Spendlove stated that people had a right to use their ground. The town had made that possible, and then were hit with a referendum. It did not matter what decision the town made, these people filed a referendum on anything, even if it was two miles away from houses.

LeRoy Thompson suggested that the Town Council repeal the ordinance that had had a referendum, then see if LaVerkin wanted the land, followed by the County.

Gene Garate stated that it was great location for future automotive type businesses. It would be the perfect location for anything the town did not want right in town, like sexual oriented businesses. The folks who had filed the referendum on the ordinance did not want anything out there and property

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Lesa Sandberg asked if a de-annexation could have a referendum filed on it. No one knew the answer, but Monica Bowcutt, Town Clerk, stated she would find out.

Mayor Spendlove stated that Hank Moyle had approached him about annexing into the town. Mr. Moyle had said that the Staples complex would most likely join him. They would want to hook onto the town water and the annexation would be just to the lower ranch. This had been prompted because Sam Moyle wanted to move forward with more development and his well was bad.

Lesa Sandberg asked how zoning would be determined. Jay Lee stated all new annexations came in as Rural Residential.

The Council discussed the 2021 calendar.

The Council discussed the sprinkler ordinance for Rio de Sion. Monica Bowcutt clarified that anyone who had already applied for a building permit would not need to install sprinklers. She also made sure the Council had the corrected version, which Heath Snow, Town Attorney had recently sent. Lot 19 would not need sprinklers because his application had already been filled out. John Staples stated that Chief Kuhlmann had quoted sprinkler systems at around \$7,000.

B. REGULAR MEETING/Action Items: 6:00 p.m. Town Hall

1. Call to Order - Mayor Matthew Spendlove

The Mayor called the meeting to order at 6:00 pm.

2. Invocation/Pledge of Allegiance.

Gene Garate gave the invocation. Kevin Stout led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

No conflicts were declared.

4. Consent Agenda:

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

Jay Lee asked about the CARES money and how much was received. Monica Bowcutt, Town Clerk, stated that the town had received about \$58,540. The would be used for updating the server, computers, sound systems, offered reimbursements to businesses, paid utility bills of citizens laid-off in town and to purchase masks and hand sanitizer. Jay Lee asked why \$5,000 has been paid to Charlie

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Bird. The Mayor explained it was because of a water leak on the town's side of the meter which had flooded her basement. He also asked why the P&Z checks were voided out. It was stated that they had been automatically deposited instead.

LeRoy Thompson pointed out page 13 of the financials which showed that the town had \$48,220 saved to upgrade the water system. This had come from the \$10 water increase ten years ago. It can be used for anything having to do with the water tank, including the environmental study.

B. Discussion and possible approval of November 2020 Draft Minutes.

No discussion was held.

Jay Lee moved to approve the November 2020 Checks and Invoices and the November 2020 draft minutes. LeRoy Thompson gave the second.

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

The motion was approved unanimously.

5. Discussion and possible approval of 2021 Virgin Town Meeting Calendar.

Discussion had taken place during the work meeting.

LeRoy Thompson moved to approve the 2021 Calendar. Jay Lee gave the second.

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

The motion was approved unanimously.

6. Discussion and possible re affirming Ordinance # 2020-38 Amending Chapter 8; Manufactured Homes, which was motioned incorrectly in October by P&Z, using the wrong Ordinance number.

Monica Bowcutt stated that Planning and Zoning had read the wrong Ordinance number when they had approved it. It was on the agenda to be re-approved with the proper ordinance number.

LeRoy Thompson moved to approve Ordinance 2020-38 amending Chapter 8; Manufactured Homes, which was motioned incorrectly in October by P&Z, using the wrong Ordinance number.

Kevin Stout gave the second.

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

The motion was approved unanimously.

7. Discussion and possible approval of HVFD proposed Ordinance # 2020-50 adding the requirement of Fire Safety Sprinkler Systems in all future dwellings in Rio de Sion sub-

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division, Phases 1, 2 and 3, effective this date.

Mayor Spendlove stated the subdivision had sold and this would allow building to move forward. The Ordinance stated that a second access was not needed, but new homes would need a fire sprinkler system installed.

LeRoy Thompson asked if the original CC&R's would be followed. John Staples replied as much as they could be. Some of the homes had not followed those rules, so it would be hard to require some things of new homes. The new homes would definitely have the same look that had been originally required. LeRoy volunteered to host a meeting with the current residents and Mr. Staples, as a time to have questions answered and put the misinformation to rest.

***Gene Garate moved to approve Ordinance 2020-50 adding the requirement of Fire safety Sprinkler Systems in all future dwellings in Rio de Sion sub-division.
Jay Lee gave the second.***

LeRoy Thompson stated that he was sorry that the fire department required the sprinkler systems for new homes in Phase 1. Those people had purchased the lots not knowing of this new requirement. However, he would vote for it anyway.

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

8. Discussion and possible approval of Ordinance # 2020-51 Fees for Disposal and collection of Solid Waste.

It was clarified that this was for the fee increase of .10 cents. Jay Lee pointed out that 'Hurricane' was still in the document and needed to be changed to Virgin.

***Jay Lee moved to approve Ordinance 2020-51 Fees for disposal and collection of solid waste with the correction on item number 13 changing Hurricane to Virgin.
Gene Garate gave the second.***

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

9. Discussion and possible approval of Corrected Washington County Solid Waste Agreement.
The WCSWD has accidentally put the wrong number in the ordinance. This was corrected version.

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LeRoy Thompson moved to approve number 9 the corrected Washington County Solid Waste Agreement. Matthew Spendlove gave the second.

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

10. Discussion and possible approval of Ordinance # 2020-52 An Ordinance Repealing Ordinance # 2020-23 amending Ch. 44.60 amending Location of eligibility of HRZ.

Mayor Spendlove stated this Ordinance (2020-52) was to repeal the Ordinance (2020-23) that had a referendum filed on it. Repealing it would make the referendum go away, and then the town could revisit it when they saw fit. Soon than later, he hoped. He would have some information at next month's meeting on de-annexation or a boundary adjustment.

LeRoy Thompson moved to approve number 10 Ordinance #2020-52 An Ordinance Repealing Ordinance #2020-23 amending Chapter 44.60 amending location of eligibility of HRZ. Kevin Stout gave the second.

Mayor Spendlove stated that he had heard many times that the town officials were not listening to the voice of the people of the town. There were 460 registered voters. The day they showed him the referendum signature list of half those voters, 230, then they had the right to say they were not being listened to. Until then, the sponsors did not have the right to say the Council was not listening to the voice of the town.

LeRoy Thompson stated that it bothered him that they used fear tactics, not the actual facts. It was not true they were not listening to them, but the truth was not being told.

Monica Bowcutt reported that 198 signatures were on the referendum signature list. The Mayor pointed out it was not even close to half of the voters. He hoped the law would be changed to require half of the voters. Monica continued that the P&Z meeting had been ridiculous because everyone thought the Resort Zone being discussed was under the referendum. When in fact, it was not even related or near what was being discussed. The fear tactics were being used again.

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

a. Open Forum: Limit 2 minutes per speaker:

An unknown man asked about putting a for sale sign on the Kolob Road. Cameron Spendlove stated

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that the survey markers were off when they put the stakes out. The Mayor stated that the town owned an easement on the Kolob Road, but he did not know how big it was.

Darlene Pope commented via Facebook Live:

It is not good to write off the legitimate concerns of the people you represent by characterizing it as "fear factor". I respectfully submit that better communication with the citizenry is needed.

b. Council Comments:

Jay Lee reported that a new disease had been found, but no West Nile had been found. Sean Amodt explained about the new disease and the effects. The birds had brought it into the area. Jay Lee stated that the mosquito district guys helped all our health without any thanks. He handed out a summary, which is included with the minutes.

c. Possible motion to hold an Executive Session.

This item was not needed.

E. ADJOURN PUBLIC MEETING:

d. Motion to Adjourn Public Meeting.

Gene Garate moved to adjourn. Jay Lee gave the second. No roll call vote. The motion was unanimously approved.

The public meeting adjourned at 6:28 pm.

Monica Bowcutt
Town Clerk

Approved:_____