

**VIRGIN TOWN COUNCIL MEETING AGENDA
FINAL MINUTES**

Wednesday, November 18, 2020

6:30 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

Others:

In room:

Monica Bowcutt
Darcey Spendlove
Cameron Spendlove

Facebook Live:

Karen Spendlove
Lesla Sandberg
Paul Luwe
Dustin Grow
Myree Johnston

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?

The Mayor stated that the town must have a new Animal at Large Ordinance in place to prosecute offenses in court. Besides this, the town must hire a public defender to pay for citizens who could not afford to hire an attorney.

Mayor Spendlove stated he had spoken with Heath Snow, the Town Attorney, who was preparing a document that stated any building permit that was pulled for the Rio de Sion subdivision would require fire sprinklers. Mr. Snow would also record the document. The Rio de Sion subdivision would be sold by Saturday.

It was clarified that the Council was re-approving ordinances from the October meeting because they had not been published on the public website correctly. This was due to office technology not functioning.

Monica Bowcutt reported that the town had received about \$58,000 from the Cares Act to be spent on things related to Co-vid. Because the town had to hold virtual meetings, a company had been hired to put in a sound system, cameras, a projector, and a pull-down screen in the Old Church. How the money would be spent had to be decided by November 30 and the money must be spend by December 30. Mrs. Bowcutt continued that Chris Holms, Maintenance Supervisor, had ordered large amounts sanitizer and wipes. A new computer was being contemplated. Some of the IT work and upgrades that had previously been done was being paid for with this money. She asked that the Council let her know if they thought of something to spend it on because about \$30,000 would most likely need to be turned back in.

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Lesa Sandberg commented via Facebook Live that a sound system was needed.

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 6:58 pm.

2. Invocation/Pledge of Allegiance.

The Mayor stated these would not be done during this meeting.

3. Declaration of Conflict of Interest.

No conflicts were declared.

4. Consent Agenda:

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

B. Discussion and possible approval of October 28, 2020 Draft Minutes.

No discussion took place.

Gene Garate moved to approve the October 2020 Checks and Invoices and the October 28, 2020 draft minutes. Matt Spendlove gave the second.

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

The motion was approved unanimously.

5. Discussion and possible approval of Criminal Defense Services Agreement-Caleb Cottam, COTTAM LAW, LLC

Mayor Spendlove stated that this item had been discussed during the work meeting. If there was no prosecution, it would not cost the town anything.

Gene Garate moved to approve the criminal defense services agreement with Caleb Cottam, Cottam Law, LLC. Jay Lee gave the second.

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

The motion was approved unanimously.

6. Discussion and possible approval or denial of proposed Ordinance #2020-21 Amending Chapter 32.02 (Residential Zone Location) of the Virgin Uniform Land Use Ordinances (VULU") TABLED in September.

The Mayor stated this was the Residential Zone on the south side of the highway. He reported that it had been tabled because they were waiting for the Water District. As far as he knew now, everything was good. He had talked to Heath Snow about the issue today. The attorney had said to approve it or deny it, just get it off the table.

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Gene Garate moved to approve Ordinance 2020-21 amending Chapter 32.02.

Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; and Mayor Matthew Spendlove-Aye. The motion was approved unanimously.

The Mayor explained the following ordinances were approved during the October meeting, but they had not been publicized correctly. The Council needed to re-vote on them, to item 14. They had already been discussed in October.

7. Discussion and affirmation of October 28, 2020 approval or denial of proposed ORDINANCE #2020-29 CHAPTER 40.32 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ("VULU")

Gene Garate moved to approve Ordinance 2020-29 Chapter 40.32. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; and Mayor Matthew Spendlove-Aye. The motion was approved unanimously.

8. Discussion and affirmation of October 28, 2020 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.

Gene Garate moved to approve Ordinance 2020-33 amending sections of Chapter 44.12, Commercial Zone. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; and Mayor Matthew Spendlove-Aye. The motion was approved unanimously.

9. Discussion and affirmation of October 28, 2020 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

Gene Garate moved to approve Ordinance 2020-34 amending Chapter 2.12. Jay Lee gave the second.

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

10. Discussion and affirmation of October 28, 2020 approval or denial of proposed ORDINANCE #2020-36 AMENDING SECTIONS OF CHAPTER 8.18 (SUPPLEMENTARY

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AND QUALIFYING REGULATIONS) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

Gene Garate moved to approve Ordinance 2020-36 amending sections of Chapter 8.18.

Jay Lee gave the second.

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

The motion was approved unanimously.

11. **Discussion and affirmation of October 28, 2020 approval or denial of proposed
ORDINANCE #2020-37 AMENDING CHAPTER 18.04 OF THE VIRGIN UNIFORM LAND
USE ORDINANCES ('VULU').**

Gene Garate moved to approve Ordinance 2020-37 amending Chapter 18.04.

Jay Lee gave the second.

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

The motion was approved unanimously.

12. **Discussion and affirmation of October 28, 2020 approval or denial of proposed
ORDINANCE #2020-39 AMENDING CHAPTER THIRTY OF THE VIRGIN UNIFORM LAND
USE ORDINANCES ("VULU").**

Gene Garate moved to approve Ordinance 2020-39 amending Chapter Thirty.

Jay Lee gave the second.

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

The motion was approved unanimously.

13. **Discussion and affirmation of October 28, 2020 approval or denial of proposed
ORDINANCE #2020-40 AMENDING CHAPTER 18.06 OF THE VIRGIN UNIFORM LAND
USE ORDINANCES ("VULU").**

Gene Garate moved to approve Ordinance 2020-40 amending Chapter 18.06.

Jay Lee gave the second.

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

The motion was approved unanimously.

14. **Discussion and affirmation of October 28, 2020 approval or denial of proposed
ORDINANCE #2020-41 AMENDING CHAPTER SIXTEEN OF THE VIRGIN UNIFORM LAND
USE ORDINANCES ("VULU").**

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Gene Garate moved to approve Ordinance 2020-41 amending Chapter Sixteen.

Jay Lee gave the second.

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

The motion was approved unanimously.

15. Discussion and possible approval or denial of proposed ORDINANCE #2020-44 AMENDING CHAPTER 50 (CONGREGATE LIVING FACILITIES) of the Virgin Uniform Land Use Ordinances ("VULU"), moving sections to Chapter 16 9 (Standards for Conditional Use).

Cameron Spendlove explained that the Congregate Living Facility Ordinance had been its own chapter. Sean Amoldt had deleted that chapter and moved the pertinent sections into Chapter 16. Some information was not word-for-word, but all the important requirements and information were included.

Jay Lee moved to approve Ordinance 2020-44 amending Chapter 50 the Congregate Living Facility of the Virgin Land Use Ordinance. Gene Garate gave the second.

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

The motion was approved unanimously.

16. Discussion and possible approval or denial of proposed ORDINANCE #2020-45 AMENDING CHAPTER 50 (CONGREGATE LIVING FACILITIES) and Chapter 2.12 (GENERAL PROVISIONS AND DEFINITIONS) of the Virgin Uniform Land Use Ordinances ("VULU").

Cameron Spendlove explained that this change moved more sections from the CLF Ordinance into the definition section and added a few more definitions.

Gene Garate moved to approve Ordinance 2020-45 amending Chapter 50 and Chapter 2.12.

Jay Lee gave the second.

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

The motion was approved unanimously.

17. Discussion of Planning and Zoning recommendation for Town Council to deny approval of proposed ORDINANCE #2020-46 sections of Chapter 42 of the Virgin Uniform Land Use Ordinances ("VULU").

Mayor Spendlove stated this ordinance was the one making the land by Sheep Bridge Resort Zone. He wanted the Resort Zone to be deleted and then put that area into the Highway Resort Zone. He continued that the property owners needed to be given a chance to express their opinion. The Council agreed. The Mayor asked Gene to talk to the new property owners and then let Cameron Spendlove know what was said.

Gene Garate moved to deny approval of Ordinance 2020-46 amending sections of

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Chapter 42, giving it back to Planning and Zoning to see about eliminating the Resort Zone and rolling it into Highway Resort Zone. Matthew Spendlove gave the second.

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

The motion was approved unanimously.

18. Discussion and possible approval or denial of proposed Ordinance #2020-47 Amending Chapter 30 of the Virgin Uniform Land Use Ordinances ("VULU").

Cameron Spendlove explained that this added the uses from the Congregate Living Facility to the chart and the zones. It did not stipulate what type of use it was, conditional or permitted, etc.

Jay Lee moved to approve Ordinance 2020-47 amending Chapter 30 of the Virgin Uniform Land Use Ordinances. Gene Garate gave the second.

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

The motion was approved unanimously.

a. Open Forum: Limit 2 minutes per speaker:

Monica Bowcutt stated that she had received a call from the Attorney General's office stating that they had had a complaint from a citizen about how meetings were being run. The AG's office wanted all the town's minutes, recordings, and the resolution that was approved to allow the town to hold virtual meetings. Later, she had spoken to the Attorney General's office, who had said that they had told the citizen the town was doing the best they could. The Mayor stated he has asked the town attorney about the issue, who had said everything was in order.

b. Council Comments:

Gene Garate stated that things seemed to be slowing down. He had not taken as many phone calls. The Mayor stated that with Rio de Sion and Kevin Stout's subdivision the town would be getting some residents. The Kuntz property had sold.

c. Possible motion to hold an Executive Session.

No executive session was 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 7:15 pm.

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Monica Bowcutt
Town Clerk

Approved:_____