

**VIRGIN TOWN COUNCIL MEETING AGENDA
FINAL MINUTES**

Wednesday, September 23, 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
Kevin Stout

Others:

Monica Bowcutt

Darcey Spendlove

Kim Spendlove

Lesa Spendlove

Allen Lee

Stu Ferber

Collin Stout

Charlotte Downard-Facebook

Lori Rose-Facebook

Darwin Hall

Karen Spendlove

Sean Amodt

Mike Chandler, Ash Creek Special Service District

Cameron Spendlove

Kayla Low-Facebook

James Brown-Facebook

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

TBD

The Mayor asked for a Council Member to attend the Five County of Government Training/Workshop being held in October. LeRoy Thompson was absent, but the Council thought he would be able to attend. Gene Garate stated he would attend if LeRoy could not.

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.

Kevin Stout offered the prayer. Gene Garate led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

Kevin Stout declared a conflict with item #6, the 10-lot subdivision.

4. Consent Agenda:

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

B. Discussion and possible approval of August 26, 2020 Draft Minutes.

Gene Garate moved to approve the August Checks and Invoices and the draft minutes. Jay Lee gave the second.

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

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The motion was approved unanimously.

5. Discussion of Future sewer plans - Ash Creek representative—Mike Chandler

Mike Chandler, Superintendent of Ash Creek Special Service District, introduced himself. He talked about growth that was currently going on and the concerns with the long-term outlook. He reviewed the Hanson Allen Water Study, which was completed in 1998. This study designated septic densities for different areas in the county in order to protect the groundwater quality. Virgin did not participate in this study. The Jones and DeMille study was completed specifically for the town, which set densities for town until the 2015 update had been done by Ensign Engineering. The county had used large parcels of 9 acres or more for their study, however, the town study had used one acre for their study. Because of this difference, whenever county parcels were interfaced with city parcels there were discrepancies.

Mr. Chandler reported that Mayor Matt Spendlove had come to him come to discuss Weeping Buffalo, Wildflower, the Marriott, another RV park within town limits, among other businesses in town, which was a lot of commercial growth. He stated he was present to discuss what options were available, what was the best way or most responsible fiscally to the citizens, and what direction the town was going with all the growth. Mr. Chandler stated that the Mayor had told him that the ordinance had recently been revised to ½ acre density north of the highway. Since then, he had reviewed Ensign's study, finding the recommendations for nitrate levels in the mass balance analysis projected to 2045. This section was reviewed from page 19. The study showed the town was below the allowed nitrate levels, but it was concerning because the information had changed since the study because of the growth. He did not see an end to the growth curve, with the District seeing their biggest permit period in history. He did not see any slow to the development currently on the grid. Part of Ash Creek's job was coordinating between the towns and the county, which he was trying to do.

Mr. Chandler stated he was not present to propose a sewer system but was suggesting planning proactively for the future. He had tried to be ahead of the growth curve, so the infrastructure went in how he wanted it. Virgin faced the challenge of dealing with the commercial interest that was growing over the last five years. The town's current wastewater study may be out of date because of the unprecedented growth over the last five years. Ash Creek SSD would be building a new treatment plant in LaVerkin to serve the coming new developments. He felt the bubble was going to burst in Virgin and wanted to start a discussion with the Council before it happened. If the city wanted to pursue implementing a sewer system, he suggested contacting the Five County Association and/or the CIB for planning money and developing alternatives. This would allow the town to know upfront the real cost. He stated that the town needed to decide what they were going to be when they grew up. They were not going to stay the small agricultural community we all wanted to be. There was a strong feeling to hold onto the small agricultural feeling, but the reality was it was only a few generations away from being gone. Mr. Chandler did not want a hodge podge of different systems when the growth was complete.

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Mayor Spendlove stated that either Virgin would have a bunch of small systems at each business or one big system. He stated he had talked to Ash Creek about being involved in what happened in Virgin and there were a range of possibilities. Mr. Chandler felt if Virgin pursued something on their own, they would get better financial loans. If Ash Creek was part of the process, their board would decide what Virgin's role would be. He did know the general attitude among the board that wastewater needed to be managed correctly.

Gene Garate thought it was cost prohibitive to have the little developments each put in a little wastewater system. His concern was that if the town kept using wastewater as a way to beat back growth, it would make the costs too high.

Stu Ferber asked how long it would take the town to put a system in that commercial entities could attach to. Mr. Chandler answered that typically it would be about 2-3 months to know if you would be able to get the funding for a study, which would tell the town the best option. How much money was involved for this type of project was then discussed. Stu Ferber stated that if it took longer than 2-3 years, the town would miss the big development. He suggested that the Town apply for grants and then Mr. Ferber volunteered to help chip in money to get hooked onto a system. Mike Chandler stated that it would be cost effective for commercial businesses to hook on. In order for the town to carry the debt service on the loan, they should service as many people as possible.

He suggested a model agreement, which allows new builders to connect as they build new homes or as old septic systems fail. This allows people to connect by choice. However, there was typically no state funding if this was agreed on. Mr. Chandler stated that the Town could pursue private funding, which then the rules went away. Details (easements, inspections, standards, payments, number of pump stations and billing) of a possible agreement were discussed. The Sewer District was going to redo their Capital Facilities Plan, so they needed to know if Virgin was going to hook on as a possible.

Mayor Spendlove stated he wanted to move on the agreement because commercial businesses wanted to hook on now and also those coming in the near future had expressed interest.

Stu Ferber stated he was not pro sewer, but it was better to get it now, than in 5 years. It would be easier to dig now. Mike Chandler agreed.

Darwin Hall stated he thought 6-8 pump stations would need to go in, not 3, as Mr. Chandler had suggested. These were expensive to run, maintain and they also stunk. He thought the town should stay with large lots and let the new developers who wanted to go with high densities buy their own systems. He wanted to require these businesses to keep the water on site, to reuse it, in order to not lose the water. Mr. Hall felt like the town had broken the agreement with Washington Water Conservation District by going to smaller lots. Matt Spendlove disagreed. Darwin gave the history of the contract from its conception. He felt like Ron Thompson wanted to control all the water and so the Water Conservancy District may want you to put the sewer water back into the river. Once the

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water went back into the river or somewhere else, the right to use that water was lost. Cottom's Well was considered and discussed. Mr. Hall pointed out that the North West corner of Las Vegas did not have a sewer system and were large lots, but they were some of the most expensive lots in Vegas except for the Strip. He hated to see the town go to dense population because all the streets would be torn up and there would be many pump stations. He asked the Council to consider keeping the large lots, although he would support them, because he had voted all of them in. He believed in representative government, but he didn't like to see the people paying to help someone else. He thought the grant was a great way to get a study, but in his experience, most grants wanted their money paid back if the town didn't do a system or borrow from them. However, this may have changed. Mike Chandler replied that the State had money to lend, and they would negotiate the terms.

Jay Lee asked if the study had to be done in order to put in a system. Mike Chandler replied no, but a master plan was needed to outline key components which were needed (pump stations, pipe sizes, how many people, density, how long).

Mayor Spendlove stated that Darwin was wrong and the contract with the Conservancy District had not been broken. The attorney had given this guidance on the issue. They had found that the contract only said that a ground water study must be done which says that more septic tanks had been put in. All the town had to provide was these new tanks which had been put in. The Contract had been sent to the Conservancy District over month ago and the town had not heard anything back.

Jay Lee stated that his septic system had been working perfectly for over 50 years and it had never had to be pumped yet.

Mr. Chandler discussed the pros and cons with using septic tanks, especially dealing with all the new medicines, foods, and artificial things that go into the ground.

6. Discussion and possible approval of proposed FINAL Plat for a 10 Lot Sub-Division on Parcels V-96-Q, V-96-R.

NEED THIS ONE

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

7. 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').

The Mayor reported that this item had been tabled at the Planning and Zoning Meeting so the attorney could look at it. It attempted to extend the Residential Zone to the South side of the highway. The Council also needed to table the item.

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

8. Discussion and possible approval or denial of proposed ORDINANCE #2020-25 AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate explained that the terminology of the height of the building had been changed because of homes that had a basement. It now defined finished grade surface to the highest point of any building roof.

Kevin Stout moved to approve #8 2020-25 amending Chapter 2 of VULU.

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

9. Discussion and possible approval or denial of proposed ORDINANCE #2020-26 AMENDING CHAPTER THIRTY OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate explained that this change added the uses table into Chapter 30. No changes had been made. All the uses were existing, just adding the table to be more clear.

***Kevin Stout moved to approve #9 Ordinance 2020-26 adding the
table to Chapter 30. Matt Spendlove gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye;
Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.***

10. Discussion and possible approval or denial of proposed ORDINANCE #2020-27 AMENDING CHAPTER THIRTY-TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate explained that in preparation for the table this change was cleaning up the current uses to be more readily understood. For example, the wording 'child day care' was being used instead of 'nursery'. Different line items had been created to clarify the uses.

***Jay Lee moved to approve Ordinance #2020-27 amending Chapter 32 of VULU. Kevin
Stout gave the second. Roll call vote: Gene Garate-Aye;
Jay Lee-Aye; Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye.
The motion was approved unanimously.***

11. Discussion and possible approval or denial of proposed ORDINANCE #2020-28 AMENDING CHAPTER THIRTY-FOUR OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate stated that this change was also just cleaning up the current uses in preparation for the table, only in a different chapter.

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Matt Spendlove moved to approve #2020-28. Jay Lee gave the second. Roll call vote:

Gene Garate-Aye;

Jay Lee-Aye; Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye.

The motion was approved unanimously.

12. Discussion and possible approval or denial of proposed ORDINANCE #2020-29

AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Town Clerk, Monica Bowcutt, stated that this item had been scratched off the Planning and Zoning meeting agenda because it was incorrect. This was not needed on the agenda. No discussion followed.

13. Discussion and possible approval or denial of proposed ORDINANCE #2020-30

AMENDING CHAPTER FORTY OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate stated that the redundant language had been removed. The same language was included elsewhere in VULU.

Kevin Stout moved to approve Ordinance #2020-30 amending Chapter forty of VULU. Gene Garate gave the second.

Roll call vote: Gene Garate-Aye;

Jay Lee-Aye; Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye.

The motion was approved unanimously.

14. Discussion and possible approval or denial of proposed ORDINANCE #2020-31

AMENDING CHAPTER FORTY-FOUR OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU').

Gene Garate stated that this definition had no other reference to anything in VULU. For this reason, the definition was being removed.

Jay Lee motion to approve #2020-30. Gene Garate gave the second. Roll call vote: Gene Garate-Aye;

Jay Lee-Aye; Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye.

The motion was approved unanimously.

15. Discussion and possible approval or denial of proposed ORDINANCE #2020-32

AMENDING SECTIONS OF CHAPTER 2 (GENERAL PROVISIONS AND DEFINITIONS) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

Gene Garate stated that this was the ordinance that Bonnie Timmerman had written a letter concerning. Council Member Garate stated that the definition of dwelling unit that Sean Amodt had written in the ordinance was, according to the law, the legal definition. Whether we wanted to include vehicles and house boats, the law said they should be. The change was verbatim what the law required. Monica Bowcutt stated that Heath Snow agreed with Bonnie Timmerman, stating that if the state definition was included, then the town was stating that a car could be a dwelling. Gene Garate

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Kevin Stout moved to table item 15. Matt Spendlove gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; and Mayor Matthew Spendlove-Aye. The motion was approved unanimously.

16. Discussion and possible approval or denial of proposed ORDINANCE # 2020-33 AMENDING SECTIONS OF CHAPTER 40 (COMMERCIAL ZONE) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

Monica Bowcutt explained that Planning & Zoning had not moved on this Ordinance. It should not be on the Town Council agenda.

a. Open Forum: Limit 2 minutes per speaker:

Sean Amoldt spoke to the definition of dwelling units referenced in item number 15. He stated that the intention was to change the definition of single-family dwelling without defining family. It was not to litigate and legislate within the definitions. He felt that the definition had to be included, but the prohibited uses should be included in the actual ordinance. To define single family dwelling had to be changed everywhere in VULU. He was hoping the town's legal advice could also see that perspective.

b. Council Comments:

Jay Lee stated that people who jump to criticize also tend to label other people.

Gene Garate stated that growth was continuing. He would love to see the town discuss the sewer system, but he was concerned that the time would come when the sewer system became the problem for someone to build a house.

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? pm.

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Monica Bowcutt
Town Clerk

Approved:_____