

VIRGIN TOWN COUNCIL MEETING

FINAL MINUTES

Wednesday, February 24, 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
Kevin Stout - Excused

Others:

In room:

Monica Bowcutt
Lesa Sandberg
Katrina Dye

Sean Amodt
Karen Spendlove

Facebook Live:

Karen Spendlove
Lesa Sandberg
Adam Freeman
August Lee
Dustin Grow

Jim and Lorraine Bacis
Larry Hammond
Kayla Low
Raymond Brinkerhoff

NO WORK MEETING WILL BE HELD!

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

1. Call to Order - Mayor Matthew Spendlove

Mayor Matt Spendlove called the meeting to order at 7:07 pm.

2. Invocation/Pledge of Allegiance.

Lesa Sandberg gave the invocation. Gene Garate led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

No discussion was held. No conflicts were disclosed.

4. Consent Agenda:

Discussion and possible approval of December 2020 and January 2021 Checks & Invoices.

Discussion and possible approval of January 27, 2021 Draft Minutes.

No comments were made. However, LeRoy Thompson asked is if the public meeting training had been scheduled. Monica Bowcutt reported that Krystal Percival, deputy town clerk, had been asked to coordinate the training. It had not been done yet. The Council discussed their preferences of when and how this training should take place. Monica was tentatively planning on holding it in mid-March.

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LeRoy Thompson moved to approve the Checks & Invoices and the Draft Minutes.

Gene Garate gave the second.

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

5. Introduction of new BMX Director - Katrina Dye

Katrina Dye introduced herself, stating she was excited to fill the BMX coordinator position. She reported the track had applied for a gold cup race, which would allow racers to come from the western states for a two day race. She stated that a new track had been built in Santa Clara and she was working with this track director to bring more racers to the area. The state qualifier race and gold cup race would be held in June. The local first race would be held on March 21. The track schedule was available on the Facebook and Instagram pages.

6. Discussion and possible approval of P&Z recommendation to approve proposed Ordinance # 2020-49 AMENDING the Official zoning map by re-zoning ZION RIVER RESORT (currently RR) to HRZ and Eliminating the currently existing RESORT ZONE from VULU.

The Mayor explained that the town had asked the Zion River Resort if they would like to change zones because they were the only land in the Resort Zone, which was being removed from VULU. The town had asked if they would be willing to change to the Highway Resort Zone. They had agreed. The RV Park did not need to pay the \$1,4000 because the town had asked for the zone change. The Resort Zone would be deleted. The verbiage would need to be changed in the ordinance stating the town had asked for the change.

LeRoy Thompson moved to accept the recommendation from Planning and Zoning and change the verbiage from 'the town has received' to 'the town has asked' the RV Park and there will be no fee attached to this.

LeRoy Thompson amended his motion to include that the Park was grandfathered in for the lights, flagpole and all the other things (structure of operation).

Jay Lee gave the second.

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

The owner/manager of the RV Park asked if the amount of time an RV could stay (five months) would remain the same, to which LeRoy Thompson responded that it would be grandfathered in.

7. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-20 AMENDING CHAPTER 2.12 DEFINITIONS. (Engineer, Town)

No discussion took place.

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Jay Lee moved to approve Ordinance 2021-20 amending chapter 2.12 definition of engineer, town. Gene Garate gave the second.

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

8. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-21 AMENDING CHAPTER 2.12 DEFINITIONS. (Fixture)

Gene Garate stated this was covered under the definition of luminaire, so it was redundant.

LeRoy Thompson moved to accept the recommendation on Ordinance 2021-21 the definition of fixture. Jay Lee gave the second.

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

9. Discussion and possible approval of P&Z recommendation to DENY proposed ORDINANCE # 2021-22 AMENDING CHAPTER 2.12 DEFINITIONS. (Corral)

The new and old definitions were discussed. The Mayor stated that a definition should tell what it was, not what it wasn't. The concerns that Lori Rose had expressed during the Planning and Zoning meeting were discussed, with Cameron Spendlove explaining. Gene Garate stated if it was a legitimate concern, a definition for pasture should be made, but not many people seemed concerned. LeRoy Thompson suggested that it be approved as is, and then more definitions be added when needed. The Mayor wondered why a corral could not be 50 feet from a right of way.

LeRoy Thompson moved to send Ordinance 2021-22 back to Planning and Zoning to come up with a better definition of corral and pasture, or whatever they felt was best.

Matt Spendlove gave the second.

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

10. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-23 AMENDING CHAPTER 2.12 DEFINITIONS. (Covenants, Conditions, & Restrictions (CC&Rs))

Gene Garate explained he had removed the non applicable parts, especially dealing with flood protection, from the definition.

LeRoy Thompson moved to approve Ordinance 2021-23 definition of CC&R's. Jay Lee gave the second.

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

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**11. Discussion and possible approval of P&Z recommendation to approve proposed
ORDINANCE # 2021-24 AMENDING CHAPTER 8.40 Outdoor Lighting**

Gene Garate stated the old-fashioned, obsolete, or archaic definitions in the table had been removed. The references to the Springdale Lighting Ordinance had also been removed.

*Matt Spendlove moved to approve Ordinance 2021-24 amending
Chapter 8.40 Outdoor Lighting. LeRoy Thompson gave the second.
Roll call vote: Gene Garate-Aye; Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor
Matt Spendlove-Aye. The motion was unanimously approved.*

**12. Discussion and possible approval of P&Z recommendation to approve proposed
ORDINANCE # 2021-25 AMENDING CHAPTER 2.12 DEFINITIONS. (Court)**

Gene Garate stated the word 'court' was not in any ordinances, therefore, the definition was not needed.

*LeRoy Thompson moved to approve the recommendation from P&Z on
Ordinance 2021-25 to remove the definition. Jay Lee gave the second.
Roll call vote: Gene Garate-Aye; Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor
Matt Spendlove-Aye. The motion was unanimously approved.*

**13. Discussion and possible approval of P&Z recommendation to approve proposed
ORDINANCE # 2021-26 AMENDING CHAPTER 2.12 DEFINITIONS. (Height of a Sign)**

Gene Garate explained the change took the ordinance stuff out of the definition.

*LeRoy Thompson moved to approve P&Z recommendation on Ordinance 2021-26
height of a sign. Jay Lee gave the second.
Roll call vote: Gene Garate-Aye; Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor
Matt Spendlove-Aye. The motion was unanimously approved.*

**14. Discussion and possible approval of P&Z recommendation to approve proposed
ORDINANCE # 2021-27 AMENDING CHAPTER 2.12 DEFINITIONS. (Entities of Public
Ownership, Appropriate)**

Gene Garate stated that the phrase was not referred to anywhere in town ordinances.

*Jay Lee moved to approve Ordinance 2021-27 amending chapter 2.12
definitions of entities of public ownership, appropriate. Matt Spendlove gave the second.
Roll call vote: Gene Garate-Aye; Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor
Matt Spendlove-Aye. The motion was unanimously approved.*

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- 15. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-28 AMENDING CHAPTER 2.12 DEFINITIONS. (Common Open Space)**

No discussion took place.

LeRoy Thompson moved to approve P&Z recommendation on Ordinance 2021-28 chapter 2.12 definition of common open space. It was more clear.

Jay Lee gave the second.

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

- 16. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-29 AMENDING CHAPTER 2.14 Building Permit Required (Commencement of Work)**

Gene Garate explained the current regulations for time allowed for building. The current projects going in were not going to be completed in a year, so the ordinance did not work. The change gave them one year to start and then only 180 days of no work being done before a new permit needed to be applied for.

Matt Spendlove moved to approve Ordinance 2021-29 chapter 2.14 building permit required.

LeRoy Thompson gave the second.

Roll call vote: Gene Garate-Aye; Jay Lee-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The moved was unanimously approved.

a. Open Forum: Limit 2 minutes per speaker:

An unnamed individual asked about the RV parks that were currently going in. The Council discussed this with him.

b. Council Comments:

LeRoy Thompson reviewed the January financial statements in detail. He felt the town was doing well keeping their expenses in line, however some lines were overspent. The Cares Act would be paying for some of the expenses.

Gene Garate stated that next month he was going to combine the definition amendments into one ordinance. He felt people now realized what the goal was now and combining them would be

acceptable.

Jay Lee reported attending the first mosquito board meeting of the year. He stated this agency quietly kept everyone safe. He had gone to the Fire District with a GRAMA request and was told it would cost

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him \$35 upfront and then \$35 per hour. He stated this was illegal, according to State Code. They had to charge by the hour according to the lowest paid employee and they could not charge for the first 15 minutes. The information was not available on their website as it was supposed to be. A special service district ran differently than a city fire department. Jay stated he had not paid the \$35 and would continue to research.

LeRoy Thompson reported that Highway 9 was now a National Scenic Byway. The town was not aware of this and had not been informed until the news had come out.

Lesa Sandberg asked if the restrictions were different from a State Scenic Byway.

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. LeRoy Thompson gave the second.
No roll call vote. The motion was unanimously approved.***

The meeting was adjourned at 7:44 pm.

Monica Bowcutt
Town Clerk

Approved: _____