

FINAL MINUTES
VIRGIN TOWN COUNCIL MEETING AGENDA
Wednesday, July 28, 2021
6:30 pm
114 So. Mill Street, Virgin, Utah

Present:

Council Members: Matthew Spendlove, Mayor
Jay Lee
Kevin Stout
LeRoy Thompson

Others: Krystal Percival, Town Clerk
Darcey Spendlove Lesa Sandburg
Karen Spendlove Sean Amodt
Paul Luwe Kent Peterson
Tara Duncan Cameron Rognan

A. WORK MEETING/NON-ACTION ITEMS: NO WORK MEETING

B. REGULAR MEETING/ACTION ITEMS: 7:00 p.m. HTS

1. Call to Order - Mayor Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:04 pm. Gene Garate was excused.

2. Invocation/Pledge of Allegiance.

Kevin Stout gave the invocation. LeRoy Thompson led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

No conflicts were disclosed.

4. Consent Agenda:

Discussion and possible approval of June 2021 Checks & Invoices.

Discussion and possible approval of June 23rd, 2021, Town Council Draft Minutes.

LeRoy Thompson made three grammatical changes to the minutes. Jay Lee also made changes to the minutes. He asked that a reference be made to Greg Bartin's statement that a referendum could be filed if the zone change went through. Councilman Lee also corrected the comments he had made about referendum state code, following Mr. Bartin's statement. Council member Lee then added a comment made by Stuart Ferber about knowing the man who was putting in the development and people would like what was being put in.

LeRoy Thompson moved to approve item number 4 the consent agenda: discussion and possible approval of June 2021 checks and invoices and the discussion and possible approval of June 23, 2021 Town draft minutes with the corrections mentioned.

Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.

The motion was unanimously approved.

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5. Discussion with Cameron Rognan with W.C.H.C.P (Desert Tortoise)

Cameron Rognan addressed the Council explaining the history of the Desert Tortoises and the Habitat Conservation Plan. The W.C.H.C.P. was an agreement with the Fish and Wildlife division, which offered a permit for developers, plus funding for fencing and relocation. The old Plan had successfully relocated 500+ Tortoises over the last ten years. The H.C.P. had been renewed in early 2021 and now they were giving each municipality an opportunity to again join the Plan. He then reviewed the changes that had been made to the new H.C.P. Then the map of potential Tortoise habitat was reviewed and the two different ways the town could enter the agreement or choose to not participate at all. Mr Rognan reviewed the permit process and the positives and negatives of signing into the agreement, which included the .2 percent of the cost for each development. The Mayor thanked Mr. Rognan for his time and asked the council to decide what they wanted to do and let Krystal Percival, Town Clerk, know. Krystal explained how signing the agreement could effect her job in the office and the impact fees.

6. Discussion and possible approval for Town Newsletter to be mailed to every resident.

The Krystal Percival, Town Clerk, and the council reviewed the proposed cost of outsourcing the water bills and newsletter. Krystal explained the cost that she had been quoted: .89 cents for the water bill, two-page newsletter, and postage. The residents who had opted into the online bill pay would be emailed the same information. The Mayor figured it would cost about \$160 more each month to put the newsletter in the water bills. It was discussed that many residents were not currently receiving or reading the newsletter.

LeRoy Thompson moved to mail the newsletter to every resident using the water bill fashion and make sure the ones who had opted out got an email or a text with the newsletter in it.

Krystal Percival stated that those who had signed up for Express Bill Pay would automatically get the newsletter when they opened their water bill.

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

7. Review and Possible approval for bid award for road project on 625 w. 50 s.

Mayor Spendlove explained that this road was located by Dean Woods home and \$200,000 had been budgeted to pave it this year. This would be a combined project with Ryan Anderson, who was building the 5 acre subdivision. The entire project was bid at \$332,000. The council reviewed the bid paperwork. Discussion followed to figure out how much Virgin's portion was, but the exact amount was not known yet. The Mayor also stated Interstate Rock had charged for two mobilizations, so one could be removed. Kevin Stout stated the town's part would be somewhere between \$142,000 and \$206,000.

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LeRoy Thompson moved to give the Mayor the approval to authorize this and not to expend more than the budget allowed at \$200,000. Kevin Stout gave the second.

Jay Lee stated the bid needed to be awarded to Interstate Rock.

LeRoy Thompson moved to award the bid to Interstate Rock and the town's portion should not exceed \$200,000. The mayor has the authority to negotiate it lower than that between the developer and Interstate. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Abstain.
The motion was approved with one abstain.

8. Discussion about poll workers for Primary Election.

Krystal Percival, Town Clerk, said that it needed to be stated for the record that the town had three poll workers who would be counting the votes. No one from Virgin would be touching the ballots. The vote count would start at 8:01 pm.

Mayor Spendlove stated for the record that there would be one poll watcher from Rockville and two from Hurricane who would be doing the counting and poll watching for the primary election.

A. Review with possible approval of Ordinance # 2021-50 50 AN ORDINANCE AMENDING CHAPTER 30.06 uses Chart.

Sean Amodt stated that this chart needed to have prohibited or permitted uses for each zone. It was the rest of the SOB (Sexually Oriented Business) ordinance from last month.

Jay Lee moved to approve ordinance #2021-50. LeRoy Thompson gave the second.
Roll call vote: Jay Lee-Aye; Kevin Stout-Aye;
LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was unanimously approved.

B. Review with possible approval of Ordinance # 2021-54 AN ORDINANCE AMENDING CHAPTER 60.04 RHF Changes.

Jay Lee stated that this ordinance said there was only a onetime fee, but in the chapter it stated there was an annual fee for an RHF. The chapter also said that the permit was only good for 365 days.

Sean Amodt stated that a lot of changes had been proposed, but had not been recommended. This one change had been the only thing recommended.

The Council agreed it needed to go back to Planning and Zoning to be corrected.

LeRoy Thompson moved that ordinance #2021-54 be sent back to Planning and Zoning for clarification. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye;

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LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was unanimously approved.

C. Review with possible approval of Ordinance # 2021-56 AN ORDINANCE AMENDING CHAPTER 2.12 Definitions.

Krystal Percival explained these were all the 'D' definitions. Jay Lee wondered why the word family was still in the definition, because the town was having a hard time defining the word. Sean Amodt explained that Planning and Zoning had had a lengthy discussion about multifamily and single family. It had been eventually decided that they would keep the words single family and multi family dwelling as the ordinance words, but the definition would be changed to unit. The compromise was that in the future if the definition of the word family was changed, this could be revisited.

LeRoy Thompson moved to approve 2021-56 an ordinance amending Chapter 2.12 Definitions. Jay Lee gave the second. Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matthew Spendlove-Aye.
The motion was unanimously approved.

9. Open Forum: Limit 2 minutes per speaker:

Sean Amodt updated the Council on mosquitoes. He asked that if people saw the bugs, they let him know. He thought about twenty places in Virgin were being checked. Most of the rain was being adsorbed into the ground, so that was good. West Nile season was from now until October, so he asked people to be cautious.

a. Council Comments:

LeRoy Thompson reviewed the financial statement. He reported that the fiscal year ended on June 30 and the town ended up with a surplus. This was because the town had budgeted very conservatively and the income from recreational housing. The surplus was about \$337,000. Council member Thompson also reported that the expenses were in line. The utility fund had been budgeted to be at a loss, but it ended up in the positive by \$80,000. The salary budget ended up being 116 percent over what was budgeted, which was about \$344 (for 12 months). Council Member Thompson stated this had been published so the residents could see it.

Kevin Stout stated they were doing a good job keeping track of the money and keeping the town ahead.

Mayor Spendlove stated he appreciated the town and community.

Sean Amodt, who was recognized to speak by the Mayor, thanked the town for the help and support at the 4th of July. He felt it was a good event. Kevin Stout stated the corn horn tournament was a hit and had included more people than the horseshoes.

b. Possible motion to hold an Executive Session:

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No executive session was held.

C. ADJOURN PUBLIC MEETING:

*Kevin Stout moved to adjourn. LeRoy Thompson gave the second. No roll call vote was taken.
The motion was unanimously approved.*

The meeting was adjourned at 8:00 pm.

Krystal Percival
Town Clerk

Approved:_____