

Final
VIRGIN TOWN COUNCIL MEETING AGENDA
Thursday, December 16, 2021
6:30 pm
114 So. Mill Street, Virgin, Utah

Present:

Council Members: Matt Spendlove
Gene Garate
Jay Lee
Kevin Stout
LeRoy Thompson

Others:

Krystal Percival, Town Clerk	
Heath Snow, Town Attorney	
Dan Harsh	Stan Burt
Darwin Hall	Ethan Newnan
Ryan Lee	Paul Luwe
Darlene Pope	Bob Wilson
Lee Ballard	George Walsh
Carol Boissonnault	Skip Boissonnault
Jeff Lee	Wyatt Lee
Bruce Densly	Sean Amodt
George Rodinos	Cameron Spendlove
Marci Holm	Barbara Stout
Jimmy Smith	

A. WORK MEETING/NON-ACTION ITEMS: 6:30 p.m. Town Hall

TBD

Mayor Spendlove stated this would be his last meeting, so he wanted to update the council on some things that were going on in Virgin.

He began by stating that months ago, Rod Mills the town engineer, had come to the town about the Gooseberry water which needed to be used. It had been leased to Rio de Sion and had never been used. He stated that it was an incorrect statement that the town did not lose their water if the water was not used. The town had looked into bringing the water back to town to be used, but it was going to cost about \$400,000. The town did not have that amount of money to spend, so other proposals were brought up. One of these proposals was to lease the water to the mayor's brother. The mayor stated he was not there to steal Virgin's water rights, which had been talked about during the election. It had been spread around that the only reason he had been elected mayor was to steal the town's water and he knew who had said that. This was not the case. He could not steal Virgin's water rights. He did not appreciate those things being said and the other lies that had gone around the town. Those people knew who they were and the Mayor hoped they were proud of themselves. The agreement was on the agenda, but he would not be voting. The agreement had come straight from the engineer.

Mayor Spendlove stated that over the years, many people who lived outside of the city had come to the town and wanted culinary water. He had worked with the water district for several years on an agreement for this. It would not affect the town's contract with the water district because it was its own agreement. The new agreement was to deliver water through

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Virgin's system to outside the city limits.

The Mayor stated they had been working on the water tank for three years and were right to the end of working with the BLM, who had been the hold up for so long. He hoped the town would push through and acquire the ground for the new water tank. The new tank would help the East side of town because the water pressure was so low.

Mayor Spendlove reported the road going by Dean Wood's home was not going to be paved by the first of the year because it had turned off so cold. It would, however, continue to move forward and turn out really nice.

The Mayor reported that within the last week the road that ran in front of Gene Garate's house, had been acquired from UDOT. This old highway was now officially a town road and would earn B&C road funds. He also reported that there were three or four businesses that were coming to the town, one of which was Autocamp. Also, the cattle guard had been installed in Pocketville road and the repaving would be completed very soon. Some bad news was that the funding had not come through for the sewer line, but funding for the trail had come. The trail would come through Virgin at the cost of 13 million dollars. Ash Creek would go after the easements so they were ready for the sewer line in the future. As a side-note, the Mayor stated that Springdale was in big trouble with the sewer, so something would need to be changed very soon. The Mayor reported that the fire hydrants were different colors in town. Dan Harsh, maintenance supervisor, would be painting them all the same color. He continued that the upgrades to the wash and culvert by Rio de Sion had worked like they were supposed to during the last storm. There were ten cement barriers which Virgin owned stored on the private ground by Sheep Bridge Road that needed to be removed. They would be moved to the town property north of the highway. The five barriers at the BMX track also needed to be moved. Some of them would be placed by the storm drain near Rio de Sion. There was also a flooding issue at a different location in Rio de Sion, so Dan Harsh would be fixing that problem within the week. The mayor reported that Max Malan, the part time maintenance man, would be retiring at the first of the year. Because of this, the town was looking for a part time person to fill this position. At the park, the sprinklers had been moved and it would be paved up to the fence and also on the North side of the playground. He was hoping to get pickle-ball courts put in on the cement tennis court.

The culvert by Lori Rose and Marian Hinckley's was discussed. Jay Lee stated that the culvert was already higher than the road, so a flatter and wider culvert, would work better. It was suggested that Jay get with Dan Harsh and show him what needed to be done.

LeRoy Thompson gave the treasurer's report. For the month of November, the town had \$102,973 in income and \$59,000 in expenses, which left a \$43,000 surplus. The year to date showed \$309,000 (rounded to the \$1,000). \$398,937 of grant money was being used for the storm drain in Rio de Sion. In four months, more money would be received to fix other storm drain problems in town. As he had stated before, the surplus money was because they had budgeted very conservatively on the advice of the accountant. The majority of the money came from the transient room and resort taxes, which were currently at one hundred percent of the budget and it was only five months into the year. The water fund revenue for

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November was \$78,000 and \$33,000 of expenses, leaving a \$45,000 surplus. The total year to date was \$96,000 surplus. Three years ago the town had talked about setting aside funds for the new water tank, which was why there was such a huge surplus. The town also wanted to have surplus for repairs especially in the old part of town. The BMX track was still running at a profit of \$622 for November, and a total of \$2,339. Council Member Thompson stated if the public wanted a copy of the report, he would be glad to give them one.

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.

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

3. Declaration of Conflict of Interest.

Mayor Matt Spendlove declared a conflict on item #8, the water agreement.

4. Consent Agenda:

Discussion and possible approval of November Checks & Invoices.

Discussion and possible approval of October 26, 2021, appeal hearing draft minutes, November 15, 2021, Canvass draft minutes, November 17, 2021, Draft Minutes.

Jay Lee and Gene Garate stated they had already turned their corrections in.

LeRoy Thompson moved to accept item 4, the November checks and invoices, October 26 draft minutes, November 15 draft minutes, and the November 17, 2021, draft minutes. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

5. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-84 AMENDING CHAPTER 2 DEFINITIONS. (I, J, K)

Gene Garate stated the P&Z had looked this over and had not made any changes.

Jay Lee asked if someone had eight or ten dogs which they were not using for a commercial business, they did not need a kennel license. Sean Amodt reported he had used the state's definition of kennel. Heath Snow explained that some of the State's definitions were dealing with Conditional Use Permits.

Gene Garate moved to approve P&Z's recommendation Ordinance #2021-84 amending Chapter 2 definitions I, J, and K. Kevin Stout gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

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6. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-85 AMENDING CHAPTER 40. (Height)

Gene Garate explain this ordinance appeared to have been pulled from an HOA because it involved floors. The way the current ordinance read, it did not allow basements or underground homes. The town was more concerned about the view, not what your home looked like on the inside as long as it met building code. The change removed the two stories clause and allowed for split level homes. The average lot elevation was defined in the building height definition, rather than having it be found in two places. This was specifically for the Commercial Zone.

LeRoy Thompson moved to approved item number 6 discussion and possible approval of P&Z recommendation to approve proposed Ordinance # 2021-85 Amending Chapter 40 on Height. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

7. Discussion and possible approval of P&Z recommendation to approve proposed ORDINANCE # 2021-86 AMENDING CHAPTER 44. (Buildings)

Gene Garate explained this was the same thing as above, but it pertained to the Highway Resort Zone. The change made it possible to have three stories if a person wanted to put a basement in.

Jay Lee moved to approve Ordinance #2021-86 amending Chapter 44, Buildings. LeRoy Thompson gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

8. Discussion of possible approval of water lease agreement with Derek Spendlove.

Mayor Spendlove stated this had been explained during the work meeting. He stated that the town could have the water back anytime they wanted it back and Heath Snow, town attorney, had written the agreement. Mr. Snow stated if the town needed the water, for example, if the Water Conservancy District asked for the water as a condition, it could be delivered. The Mayor stated there was going to be a lot of money put into getting the water usable. Kevin Stout clarified that it was a five year renewable lease.

LeRoy Thompson moved to approve item #8 discussion and possible approval of the water lease agreement with Derek Spendlove. Gene Garate gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Abstain. The motion was approved.

9. Discussion about access to the old Fire Station.

The Mayor explained that only two bays of the fire station were being used for fire trucks. The town wanted to use the third bay as a shop. Bruce Densley, the current Fire Board Member, stated he was sure there would not be any objection as long as the fire district was not using it. The Mayor stated the agreement with the fire district could not be found. Bruce Densley replied, but could not be heard. Heath Snow stated that if the town owned the building and

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the lease did not say the town couldn't, there should be no problem. The lease could be amended, if needed.

10. Discussion and possible approval of skid loader purchase.

Mayor Spendlove stated the town was growing and he felt the skid loader would be a big benefit. The budget had been reviewed and the money was available. The mini-X would be paid off, allowing for funding. Kevin Stout stated skid loaders were very handy. Krystal Percival, Town Clerk, affirmed that bids had been received.

LeRoy Thompson moved to approve item 10 discussion and possible approval of skid loader purchase. Matt Spendlove gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

11. Discussion and possible approval of Planning and Zoning alternates.

(Please check the spelling of Ms. Glazier on this item.) The Mayor stated the ordinance read there should be two alternates serving on the Planning and Zoning. Staci Kroff had already been appointed as an alternate. The Mayor then proposed Angelena Glazier be the second alternate. The appointment would be a four year appointment. Staci Kroff's appointment ended in 2022. Gene Garate explained that Angelena had volunteered for the position.

Gene Garate moved to approve Angelena Glazier as a Planning and Zoning alternate. Kevin Stout gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

12. Discussion and possible approval of appointing two Planning and Zoning commissioners.

The Mayor reported that three Planning and Zoning members had resigned. According to the law, the current administration could appoint two commission members. He stated that he wished to appoint Wyatt Lee and Sean Amodt to finish out the terms of those who had resigned. Gene Garate clarified that these people would fill the terms of who had resigned and Mayor Krause would get to appoint two new commissioners after the first of the year.

Gene Garate moved to appoint Sean Amodt and Wyatt Lee as the replacement Planning and Zoning Commission members.

Gene Garate revised his motion to approve the appointments of Sean Amodt to finish the term of Dean Woods and Wyatt Lee to finish the term of Mistie Baird on the Planning and Zoning Commission. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

13. Discussion and possible approval of park improvements

The Mayor stated this had been discussed during the work meeting and consisted of paving to the fence and paving the parking lot North of the playground.

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Kevin Stout moved to approve. Leroy Thompson gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was unanimously approved.

- 14. Discussion and possible action to approve Virgin Resolution 2021-01 appointing Provalue Engineering Karl Rasmussen as the Virgin Town Engineer and revoking all prior appointments.**

Kevin Stout stated he had worked with Karl a lot and respected him. He knew that Karl represented many others municipalities. Gene Garate stated the town had done some third party work through Karl and Gene had found him to be very responsive.

LeRoy Thompson moved to accept #14 discussion and possible action to approve Virgin Resolution 2021-01 appointing Provalue Engineering Karl Rasmussen as the Virgin Town Engineer and revoking all prior appointments. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Abstain. The motion was approved.

- 15. Discussion and possible action to approve Virgin Resolution 2021- 02 appointing Cameron Spendlove to serve as Virgin Town representative on the Administrative Control Board of the Hurricane Valley Fire District and revoking all prior appointments.**
No discussion took place.

Gene Garate moved to approve Resolution #2021-02 to appoint Cameron Spendlove to serve as Virgin Town representative on the Administrative Control Board of the Hurricane Valley Fire District and revoking all prior appointments and to thank Mayor Densley for the fine service he had provided to the town over the last four years. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Abstain. The motion was approved.

- 16. Discussion and possible approval of Water Transportation Agreement between Town of Virgin and Washington County Water Conservancy District.**

This had also been discussed during the work meeting. The Mayor explained that many people had asked for this. When someone outside of city limits wanted to use WCWCD water, there would be an entirely new contract which would come in front of the town. Gene Garate clarified that the town owned the water lines and the Conservancy district would get approval to run the water through them to outlying areas. There would be a cost to whomever was using the lines. LeRoy Thompson stated that it was a common practice with the Conservancy District for getting water to the unincorporated areas.

Jay Lee stated this had needed to be done for a long time and the agreement was well written, however, he had a question about number five, the reserved town pipeline of .5 percent. Heath Snow explained that there would be an extension of the water line from where the town's line ended to where the point of service would be. The Conservancy District contracted with the town to require that person to put in a water line which was 25% bigger. This gave excess capacity to the town.

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LeRoy Thompson moved approve number 16 discussion and possible approval of Water Transportation Agreement between Town of Virgin and Washington County Water Conservancy District. Jay Lee gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was approved unanimously.

17. Discussion and possible approval of Building inspector Lance Gifford contract. Mayor Spendlove explained that Lance had worked for Virgin for many years. However, he no longer worked for Hurricane City, so Mr. Gifford needed his contract in writing. Heath Snow, town attorney, suggested that the contract be approved subject to the attorney's review and modification because he felt it needed a few changes.

Gene Garare moved to approve Lance Gifford as the town building inspector and accept the contract as revised and agreed upon between the town attorney and Lance Gifford. Kevin Stout gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was approved unanimously.

18. Recognition of Matt Spendlove, Kevin Stout, and Jay Lee.

Krystal Percival, Town Clerk, presented gifts and read a prepared speech for each outgoing Town Council Member listed above.

a. Open Forum: Limit 2 minutes per speaker:

Darwin Hall thanked the Council for all their time and effort. He knew they made decisions the very best they could and he appreciated that. He made reference to the fiber-optics line that had been put in next to the sidewalk and highway. He stated the company had left the place a mess, with big rocks, bumps, high places and low places. Mr. Hall stated he had spoken to Krystal about it and she had said the company had gone bankrupt, so he was not sure what could be done. He explained that most of the mess was from the church road to 170 East, then on down to the RV park. He had seen one place where they had their truck stuck in the drainage a few weeks ago and the sidewalk was all cracked up now where rocks had been dug out. The Mayor stated he would look into it.

Bob Wilson addressed the Council stating he had been a Virgin resident for sixteen years. He asked the Council to elaborate on the Planning Board people resigning and then being filled in. Heath Snow, town attorney, stated that the Planning Commission was a required body in municipalities who had land use authority. When there was a vacancy, this person had to be replaced. Appointment to the planning commission, and other bodies within the town, was done by the advice and consent of the Council. It was a Mayor's power, but it required the consent of the Council. Krystal Percival, answered someone in the audience that two members had resigned in December and one had resigned in November. Gene Garate clarified that two commission members terms ended at the beginning of the year, so those people would be reappointed or replaced at that time. The members who had resigned during this Mayorship would be replaced by him. He also clarified that Mistie Baird, then Dean Woods, and finally Sean Amodt had resigned in that order.

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Carol Boissonnault stated she had noticed there was money slated for improvements for the town park and wondered if there were any plans to improve Falls Park. Over the last few years the usage had increased and now the park was overused. The Mayor replied that the town had to work with the BLM to improve that park. He was not aware of anything at the moment being done there, but hopefully in the future there would be.

Paul Luwe congratulated the outgoing Council members for their public service and thanked them. He stated that public service, especially for an elected position took a lot and he appreciated them. He wished more people would have had the opportunity to thank them. Mr. Luwe then asked about the many agenda items that had been decided tonight. He felt these should have been left to the new administration. The election created a change that the citizens wanted to see and three new council members should have had the opportunity to decide the new engineer and fire district representative. The result would have most likely been the same, but the decision should have been left to the new administration. Even though this Council had the authority to make these decisions, they did not have to exercise that authority. Mr. Luwe felt it created more division than a bridge to the community.

Wyatt Lee stated he had lived in Virgin his entire life and his family had helped found the town many years ago. He thanked the Council for his appointment and the trust that came with it. He felt it was fantastic that they were able to continue to act as the Town Council even though they were leaving. Mr. Lee continued that being from here, seeing the town grow over his life and also seeing the people who came into the town then decided that nobody else could come was a real issue.

b. Council Comments:

Kevin Stout thanked the Council for working with him. He was proud of the surplus and felt the town was in good fiscal shape. The town had been conservative in their business. Matt and LeRoy had a lot to do with that. He was also proud of the ordinances they had changed to make it more fair to developers. Council Member Stout felt it had been a privilege to serve with them.

Gene Garate stated that Autocamp's original Conditional Use Permit required them to upgrade the water line to increase the flow. This was being done and they were also bringing in fill and replacing the irrigation line under the property.

LeRoy Thompson stated he had enjoyed working with Jay, Matt and Kevin over the last four years. He also appreciated all they had done for the town and their outlook for the town, which had been to do things for the town, no matter what the consequences might have been to them personally.

Jay Lee thanked everyone for serving together. He referred to last month's discussion on lighting, stating that Special Effects Lighting in Hurricane, who had done all the lighting for Disney World, could paint lights or filter them, so they did not shine into people's homes. He felt there could be a solution worked out so the community could work together for safety and comfort. He suggested the new administration look into this solution. Council Member Lee

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then read a song by his Aunt Dolorous Spendlove, who was a Winder out of Rockville. She had written this song in 1980 for the Virgin Ward Days. He thought maybe people, after hearing this song, could understand what Virgin was like back then.

“There is a little town in Utah that means the world to me. It’s nestled where the Virgin River flows. It’s not a great big city, we’re only common folks. When I’m a way my heart to Virgin goes. The people are so gentle, generous, and sweet. They really love each other and are kind to all they meet. When we all get together we’re like a family. It’s nice when everybody comes back home. Joyfully we greet each other, catch up on all the news. It buoys us up for times when we’re alone. There are times that are so special that live in memory. The fun on the fourth of July. The games and all the parties where young and old would go. The dances underneath the starlit sky. The bell in the old chapel, ringing loud and clear on a Sunday morning or greeting each new year. Oh there’s no place like Virgin, no people quite so grand. It’s like a bit of heaven on the ground. Wherever I may wander, wherever I may roam, my heart will be in Virgin my home town.”

He felt the town had come a long way from this and he hoped the town could get back to everybody doing what they could to get along.

Mayor Spendlove stated he had had a fun four years with everyone. The Council, Planning and Zoning, Krystal, Monica, and Chris. It had been great and he appreciated it.

c. Possible motion to hold an Executive Session.

Gene Garate moved to hold an executive session. LeRoy Thompson gave the second.

Heath Snow stated they needed to identify the reason to hold the executive session.

Gene Garate moved to hold an executive session for employee matters. LeRoy Thompson gave the second. Roll call vote: Gene Garate-Aye; Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor Matt Spendlove-Aye. The motion was approved unanimously.

E. ADJOURN PUBLIC MEETING:

d. Motion to Adjourn Public Meeting

Matt Spendlove moved to adjourn. LeRoy Thompson gave the second. No roll call vote. The motion was approved unanimously.

The meeting was adjourned at 8:25 pm.

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Krystal Percival
Town Clerk

Approved: _____