

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 22, 2014

Work Session at 6:30 pm Regular Meeting at 7:00 pm

Virgin Town Office, 114 So. Mill Street, Virgin, Utah

Present:

Council Members: Mayor, Bruce Densley
Bill Adams, after sworn into office
Danyale Blackmore
Jean Krause
Jay Lee

Others: Monica Bowcutt, Town Clerk
Darcey Spendlove
Jake Thelen
Cimarron Chacon
Bonnie Timmerman
Linda Collet
Sean Amodt
Tom Dansie (ZC3)
Dan Snyder
Shirlene Hall
Jason Smith
Kenton McKesson
Pat Adams
Adele Pincock
Larry Amodt
Ray Justice
Karen Densley
Lee Ballard
George Rodinos

WORK MEETING

a. Update on Kolob Road re-alignment & Cap. Facility Plan-Jason Smith

Jason Smith, Town Engineer, reported that the BLM is finalizing the paper work for the 150×200 foot triangle shaped property. He stated that the BLM would be coming up to review the property. He also reported that the stream alteration permit had been submitted and was in the review period. He did not anticipate any issues with the permit. Mr. Smith reported that the plans had been changed to decrease the total earthwork number by about 15,000 yards. He stated that because of this change, the road had not gone out to bid yet, but the significant decrease in cost, was worth waiting a few weeks. He felt that the job would be ready to bid when the stream alteration permit was received and the BLM had signed off on their property, which would be about two weeks. Mr. Smith stated that the standard bid would be with the large box culverts and an alternate for a bridge. He stated that the cost estimates showed that using a bridge was borderline in budget, but if a bid came in low enough, a bridge could be

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used. He stated that the second appraisal has been done, which was lower than anticipated, but was significantly better than the first appraisal. Mr. Smith stated that those numbers needed to be turned into UDOT, along with any other job expenditures, then UDOT would reimburse the Town for eighty percent. Jason stated that he would have the bids by next month's meeting.

Jason Smith reported that all legality updates had been made to the Capital Facilities Plan. These updates had brought it into compliance with the legislature's new mandates. He stated that at the next meeting, he would have recommendations for impact fee prices and a draft copy of the Plan for the Council to review. He reported that the major additions to the Plan were: the BMX Park, water line storage, and some road way improvements. He explained that the biggest change would be updating from the 2005 impact fee prices to 2014-2015 prices. He also stated that several minor wording changes had been made to bring the Plan into compliance with State Code.

Council Member Jay Lee asked if Jason Smith had the same map of the BMX Park that the Council did. Council Member Danyale Blackmore stated that Jason did have the most current concept plan, but that the Recreation Committee was going to look at the design and make recommendations. Mayor Bruce Densley stated that the Council would have several opportunities to go over the design plan.

b. Discussion of Frog Hollow-Cimarron Chacon

Cimarron Chacon stated that she felt the adjustments that had been made last year had gone very well. She stated that the increased communication with the Town was very nice and made the race much easier. She said that the large and lighted signs notifying of the road closure worked great and she was not aware of any issues on either side. She stated that an application had been submitted for the current year's races and she planned on continuing with the same plan. Ms. Chacon did state that the 6 hour race had been moved to April 19, in order to spread the races out. The fall race would be held on

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November 1-2. She explained that they were planning on about 350 people between the two races. Cimarron Chacon asked for a little leeway on the deposit, stating that \$1,000 was a lot of money to have tied up. She further stated that at last year's race there had been an issue with the tent company leaving their zip ties, but they had been promptly cleaned up. Mayor Bruce Densley wished that there was some way to get the local people involved. Council Member Danyale Blackmore stated that she had taken flyers to all the business that she thought would have liked to provide concessions, with no response. Ms. Chacon suggested maybe coupons could be added for Virgin Town businesses this year. She also stated that the race would be hosting 50 people from Scandinavia. She thought that this would be a great opportunity to have someone, either a business or a non profit group, put on a dinner or breakfast as a fundraiser.

Council Member Jay Lee suggested that the Town could break the deposit in half, \$500 for the spring race and \$500 for the fall race. The Council agreed.

c. Discussion of Skills Park-Jake Thelen

Kenton McKesson explained that he and Jake Thelen worked for the outdoor wilderness adventure therapy program named Aspiro Adventure. The company was based in Mount Pleasant, but was looking for opportunities to expand their program into Southern Utah. He stated that the therapy program was relationship based, which focused on building relationships with kids to help them and their families get through crisis situations.

Jake Thelen, the Aspiro director of mountain biking, stated that their students were involved with volunteer work and community service projects. The company was looking to build a mountain bike skills park in a Southern Utah community, using their student volunteers and also locals. Their initial budget was \$5,000 to get the project started, which was before any fund raising efforts. They explained

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that a skills bike park was an area where all levels of bikers can go to learn mountain biking. It would include basic features all the way up to features that adult riders could ride on. The hope would be to team up with the Town, with the company designing the park, based on the area in which it was located. He stated that in order to build the park, the Aspiro students would provide the volunteer labor, along with volunteers from the community. After completed, the park would be Town owned, with the community able to use it as needed. Mr. Thelen stated that the BMX Track area had good dirt and the BMX Track localized the riders to one area, but they were flexible with the location.

Council Member Jay Lee stated that he was concerned about the fact that Aspiro would come into Town, build the park and then leave, expecting the Town to come up with the funds to maintain and run it. Jake Thelen replied that the company would be very involved with the initial phase, then afterward, have people here when needed to help with maintenance. Aspiro would provide the support staff but try to get the local biking community as involved as possible. Mayor Bruce Densley stated that he was definitely interested and would like to review and discuss it further. Council Member Danyale Blackmore stated that she was very excited about the park because it fit perfectly into the BMX Park, but her concerns included maintenance and insurance. She stated that Chris Holm, Maintenance Supervisor, had enough on his plate and the Town Attorney would have to be contacted about the liability issues. Council Member Jean Krause asked why Hurricane City discontinued their biking park. Jake Thelen replied that Hurricane was trying to hire a professional company to design and build the park, which turned out to be much too costly. Council Member Jean Krause asked for contact information from the Northern Utah bike parks, so the Town could get a reference from them.

George Rodinos asked if the company was a for-profit venture and if it was, what is in it for Virgin. Jake Thelen responded that the park provided a place for people to experience mountain biking for free and it was a non-profit company.

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Mayor Bruce Densley stated that the Town did not want any commitments at this time, but there was enough interest to look into the bike park further.

d. Discussion of Virgin Town Website

Mayor Densley asked the Council to consider what updates needed to be done to make the Town website more useful. He also asked them to consider what price range would be appropriate to spend on the updates. Council Member Danyale Blackmore suggested that the Council look at other town's websites, in order to get a feel for what was needed and wanted.

e. Discussion of use of Town Hall by community groups.

Mayor Densley explained that he felt there was a need for a place where responsible groups could meet. He stated that when Andy's (Fort Zion) was open it was large enough to hold enough people, but when Andy's was closed, groups had nowhere to meet. The Mayor suggested that the Town Hall be available for groups, under certain circumstances. He stated that he saw two parts on the issue first, allowing the building to be used by groups and second, the security of having someone with a key be present. He stated that the Town would have to charge a nominal fee for a Town representative to be present and to cover the cost of the utilities. Council Member Danyale Blackmore thought it was a great idea, but did not want to create more work for Town Clerk, Monica Bowcutt, and Maintenance Supervisor, Chris Holm, so she felt the Council would have to help with opening the building. Council Member Jay Lee suggested that this would work until the Old Church was finished.

Lee Ballard stated that the downstairs was mainly used as an office, and that perhaps the upstairs would be more appropriate.

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f. Discussion of Rural Water suggestions of changing water rates.

Mayor Bruce Densley stated that several meetings ago, Rural Water had attended a Town Council Meeting and made suggestions on how to change the water rates because the Town was headed in the wrong direction. He asked the Council Members to be thinking about the different scenarios that were presented. He also asked for public comments on the issue.

REGULAR MEETING

1. Call to Order-Mayor Bruce Densley

Mayor Bruce Densley called the meeting to order at 7:03 pm.

2. Pledge and Opening Remarks.

Mayor Bruce Densley led the Pledge of Allegiance. Mayor Densley stated that, as a country, we listen to the star spangled banner many times, but many people did not know there were three verses, let alone be able to recite all verses. Mayor Densley read the third verse of the Star Spangled Banner. He stated that it is available to anyone to offer opening remarks, whether that be in the form of remarks or an invocation. He then offered an opening prayer.

3. Declaration of Conflicts of Interest.

No Conflicts of Interest were declared.

4. Presentation of award to Virgin Town by ZC3.

Tom Dansie and Ray Justice from the Zion Canyon Corridor Council (ZC3) were present to present an award to the Town. Mr. Dansie stated that he was the Chair of the Council and Mr. Justice was an at large member from LaVerkin. He explained that ZC3 was made up of all the communities along the

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highway from LaVerkin to Zion National Park, in addition to the land management agencies (BLM, Park Service, SITLA, & UDOT). He stated that the goal of the ZC3 is to provide a forum for these different agencies to communicate, collaborate, and partner on addressing issues of regional significance. He pointed out that recently the ZC3 had been doing work on the scenic byway plan for Highway 9, stating that the improvements being done at the bottom of the hill in LaVerkin, were a result of ZC3 efforts. He reported that they had also been planning some recreation strategies in the corridor, which would be helpful for people to find appropriate places to hike, bike, camp, ride ATV's, etc. in the area. He stated that the ZC3 was a unique regional planning effort in Utah. In recognition of that fact, the Utah Rural Summit recognized the ZC3 with a Rural Honors Award. This award recognized the work of the ZC3 and the communities within the ZC3, who work collaboratively to make life better in each community. Mr. Dansie presented the award to Virgin Town. He also stated that the ZC3 met bimonthly, on the third Wednesday, at the Springdale Town Hall at 1:30, which is open to the public. The next meeting would be on March 20, 2014. Mayor Bruce Densley stated that Council Member Danyale Blackmore would be representing the Town on the ZC3. Mr. Dansie thanked Lee Ballard for her dedication and time spent on ZC3 and also welcomed Council Member Blackmore.

OLD BUSINESS

5. Discuss and Possibly Appoint a new Town Council Member.

Mayor Bruce Densley stated that this decision was very difficult, in that someone would not be happy with the outcome. He stated that there were six good people who had applied for the position: Larry Amodt, Linda Collet, Adele Pincock, Sean Amodt, Dan Snyder, and Bill Adams.

Bruce Densley moved to appoint Bill Adams to fill the vacant Town Council seat. Jean Krause seconded the motion. Vote on motion: Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

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Bill Adams was sworn in by Town Clerk, Monica Bowcutt. He took his seat with the Town Council.

Mayor Densley expressed appreciation to everyone who had applied. He stated that any of them could have done the job. Council Member Jay Lee asked if the Oath of Office had come from the State. He explained his concern that the Oath used to be worded as “swear to uphold the United States Constitution and the Constitution this State”. He noticed that the US Constitution part had been taken out. Town Clerk, Monica Bowcutt, replied that she just pulled it off the computer and printed it out.

6. Discuss and possibly appoint a new Town Treasurer.

Mayor Bruce Densley moved to appoint Jean Krause as the Town Treasurer. Jay Lee gave the second. Vote on the motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

7. Discussion and possibly appoint a new P&Z Liaison.

Mayor Bruce Densley stated that the position of Zoning Administrator may not be needed in the future. He explained that the Town may be using the Police Department for enforcement, at no additional cost to the Town. He reported that Springdale had been doing this for awhile and it was working very well. The Mayor felt that this alternative kept the Zoning Administrator out of harms way when citizens disagreed. He stated that the Town may try the system or may appoint a Zoning Administrator. This decision would be made at a later time.

Mayor Densley announced at that there was no vote needed to appoint a P&Z Liaison. He stated that he wished to appoint Jean Krause to the position.

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8. Review with possible approval of December 18, 2013 draft minutes.

The Council reviewed and made grammatical changes to the December 18, 2013 draft minutes.

Danyale Blackmore moved to approve the December 18, 2013 draft minutes with the corrections made. Jean Krause seconded the motion. Vote on motion: Bill Adams-Abstain, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed.

9. Review with possible approval of November 2013 Invoices and Checks.

Council Member Jay Lee asked who the DH Group, LLC represented. Monica Bowcutt, Town Clerk, replied that it was the company that did the second appraisal for the Kolob Road. He then asked why the Town paid \$500 to GRO Promotions. Town Clerk, Monica Bowcutt, replied that it was payment for their deposit for the Frog Hollow Race. Council Member Jay Lee then asked why \$550 had been paid to H5 Events Incorporated. Monica Bowcutt reported that it was the amount the Red Bull Rampage was paid back from their \$1000 deposit. Council Member Lee also clarified that the \$4,320 payment to Springdale was for police protection. Council Member Jay Lee also commented that he felt the checks and invoices paper work was too much. He felt there was not any need to have the entire budget printed for each meeting. He stated that it was redundant and unnecessary. Town Clerk, Monica Bowcutt, explained that the auditors had instructed the Town that all the information must be printed out each month and the Council Members were also now supposed to sign a verification certifying they had each reviewed and approved the checks and invoices. The Council agreed that the documents should be scanned and emailed electronically, in order to save money.

Danyale Blackmore moved to approve the November, 2013 Invoices and Checks. Jean Krause

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seconded the motion. Vote on motion: Bill Adams-Abstain, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Abstain, and Mayor Bruce Densley-Aye. The motion passed.

10. Review with possible approval of December 2013 Invoices and Checks.

Council Member Jay Lee wondered why two checks were written to the Water Conservancy District, totaling about \$20,000. Town Clerk, explained that she thought these payments were impact fees from four building permits that were issued within the last month.

Danyale Blackmore moved to approve the December, 2013 Invoices and Checks. Jean Krause seconded the motion. Vote on motion: Bill Adams-Abstain, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Abstain, and Mayor Bruce Densley-Aye. The motion passed.

NEW BUSINESS

11. Review with possible adoption of 2014 Meeting Calendar.

Mayor Bruce Densley stated that the Town Council Meetings will continue to be held on the fourth Wednesday of each month, with the exception of November and December. The Council agreed that the November meeting would be held on November 19, 2014 and December's meeting would be held on December 17, 2014.

Jay Lee moved to approve the 2014 Meeting Calendar. Bill Adams seconded the motion. Vote on motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

12. Review and award winning bid for Old Church Restoration.

Mayor Bruce Densley stated that many people had been working really hard on the project. He stated

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that there had been many exciting moments and many frustrating moments. He stated that the decision had been made to reject all five bids because all had come in over the amount of money the Town had for the project. The Mayor reported that there were some options, but there was not enough time before the meeting to answer legal questions. He explained that the bid advertisement was not worded properly to allow the Town to take one bidder for the main building and another bidder for the support building. If the wording had been included in the bid advertisement to take the low bid on church and low bid on the out building, the Town would have enough money. Because of the wordage issue, it was unclear if the Town could legally split the bids without putting the Town in a compromising position. He further explained that after a conversation with the Town Attorney, it was concluded that the best and safest thing for the Town to do was to reject any and all bids and then rebid the project out, making sure to include the stipulation that the Town could accept either or both. He wanted to get the new advertisement bids out immediately, so that the bids could be awarded at February.

Council Member Danyale Blackmore stated that Heath Snow, Town Attorney, said if we did not reject all bids, the Town would have to talk to each bidder in order to give them the opportunity to look at the split. Besides this, they all would have to be given the opportunity to look at the plans again with a chance to lower their prices. She felt that the best option was to listen to the Town Attorney and start over with the bids, making sure the wording was correct.

Shirlene Hall stated that Kim Campbell was supposed to include the wordage and she very was concerned that contractors would not bid again.

Mayor Bruce Densley stated that maybe the Council should table the item until both Kim Campbell, project engineer, and Heath Snow, attorney, could be reached. Council Member Danyale Blackmore stated that she had spoken with one contractor about rebidding the project. She reported that he felt

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that there was room to lower the specs and bring the bids down. She felt that because some of the contractors had already been told that the Town was going to reject all the bids, it would not be possible to table the item. Council Member Jay Lee suggested that the contractors could sign off on lowering the cost and the specs. Council Member Danyale Blackmore stated that Heath Snow felt that it would be better to reject all bids and rebid the project out because it would be cleaner and more transparent. She recommended going with Heath Snow's, Town Attorney, suggestions.

Council Member Bill Adams clarified that if the Town accepts the double bid from each contractor, then the lowest bid is above the cost range. If the Town takes 'contractor A' bid on the base building and 'contractor C' bid on the support building, then there would be enough money. He wondered if the contractors would consider this a bait and switch. Council Member Adams asked if the contractors had made their bids based on the fact that they could get both buildings. Council Member Danyale Blackmore answered yes. Council Member Adams stated that he felt the Town would benefit from hiring two contractors, who would be working at the same time. He stated that this would get the job done faster, although, he did not want to wait for thirty days for a decision on the matter and another thirty days to get the bid, which would be sixty days of not working on the project. Council Member Danyale Blackmore stated that she did not think it would be that long. Mayor Bruce Densley stated that the Council could have a special meeting during February to accept the new bid, if needed.

Shirlene Hall asked if Danyale Blackmore had spoken to Kim Campbell about the bidder who was lower, but missed the deadline. Council Member Blackmore responded that Kim Campbell did not know about the late bid, which was not included. Monica Bowcutt, Town Clerk, stated that the Town had about \$60,000 for the project.

Council Member Danyale Blackmore stated that one contractor had suggested the Town ask Kim

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Campbell to lower the specs, in order to save money and also ask the contractors to sharpen their pencils to help fall within the budget. She stated that hopefully the changes would be made by next week. She wanted to be careful to not put the Town in a bad spot from the other builders who do not get the bid. She felt like she should let Kim Campbell handle all the interaction with the bidders, so the Town is not put in a bad position.

Danyale Blackmore moved to reject all bids on the Old Church and Accessory Support Building.

Bill Adams seconded the motion with the provision that the project be put on the fast track to get it moving again. Vote on Motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

13. Review and award winning bid for accessory (SUPPORT) Building.

See above motion.

OPEN FORUM

– George Rodinos stated that he was a resident of Virgin, veteran of the US Air force, and a photographer. He welcomed the new members of the Town Council and thanked all of them for the things they were doing. He stated that he had read an article about the Town Council in San Francisco, who had passed an ordinance making it illegal to have anything in a garage except a car. Mr. Rodinos suggested that maybe someone started a mortuary or a brothel in their garage, so the Council felt it was necessary to punish the other 99 percent of the people who lived in San Francisco. Another incident happened yesterday when the governor of New York State publicly stated that the pro life and pro gun citizens did not represent the state. Mr. Rodinos stated that it was his observation that there were many crazy things going on in our county, where wrongs have become right and right had become wrong. He

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explained that he had brought three photographs all taken in the Virgin Town limits. He showed a lighted nativity along highway nine, which he felt was a representation of the people that the Council represented. He stated that Virgin Town believed in freedom of religion not freedom from religion. The next photo he showed was a Utah flag and New Hampshire flag flying on the same flag pole. The last photo was a picture of a small sign reading Pro Life in the middle of sagebrush. Mr. Rodinos stated that freedom of speech and freedom of religion were very important. He stated that his message to the Council, in a loving manner, was to not waste paper on any ordinance that was written if it was going to trample constitutional rights. He again thanked the Council for their work. Mayor Bruce Densley stated that the Council represented the people. He stated that not everyone was going to agree all the time, but people must respect each other and their differences. He also stated that the Constitution was the greatest document on the earth and would never be outdated.

COUNCIL COMMENTS

– Council Member Jay Lee, suggested that the Utah League of Cities and Town could film the Frog Hollow Race. Mayor Densley suggested that they could also film the completion of the Old Church. Council Member Jay Lee stated that these films would be put on the League's website, that would be linked to the Town's website. Council Member Lee stated that the previous Council had talked about building a pavilion at the new park in Sierra Bella, but he suggested that a pavilion at Falls Park would be more used. He thought a Falls Park pavilion should also be placed on the 5 year plan. He then stated that paving Sheep Bridge Road should be included in the Capital Facilities Plan, especially because of the dust problem. He also suggested cutting the trees back (or taking them out) which were hanging out over the Kolob Road. He thought they were a safety issue, especially with the new line striping on the road. Mayor Bruce Densley stated that after the new Kolob Road was taken care of, the Town would need to upgrade the old Kolob Road. Jay Lee stated that he was also concerned about the cement island going into Sierra Bella. Council Member Danyale Blackmore stated that widening and

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straightening, along with major upkeep, of the Kolob Road would need to be done when the new road was started.

– Town Clerk, Monica Bowcutt, asked if naming the new park should be included in the Newsletter and water bills. The Council agreed that public input was needed and wanted.

– Sean Amodt asked if a resolution had been passed approving Bruce Densley to be the on the mosquito abatement board. The Mayor stated that it was a mayor appointment, with no resolution needed. Sean Amodt stated that it was better as a resolution and he asked that it be placed on February meeting agenda.

14. Discussion with possible approval to close public meeting and Executive Session to discuss imminent litigation.

15. Close Public Meeting and Open Executive Session.

Jean Krause moved to close the Public Meeting and Open the Executive Session. Danyale Blackmore seconded the motion. Vote on Motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

16. Close Executive Session and Open Public Meeting.

Jean Krause moved to close Executive Session and open the Public Meeting. Jay Lee seconded

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the motion. Vote on Motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

ADJOURN PUBLIC MEETING:

17. Approve Motion to Adjourn Public Meeting.

Jay Lee made a motion to adjourn the public meeting. Jean Krause seconded the motion. Vote on Motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

The Meeting adjourned at 8:43 pm.

Monica Bowcutt

Town Clerk

Approved: _____