

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, July 23, 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  
                                 Danyale Blackmore  
                                 Jean Krause  
                                 Jay Lee

Others:	Jack Ruggles	Todd Vowell
	Joshua Ruggles	Bonnie Timmerman
	Steve Masefield	Linda Collet
	Darcey Spendlove	Monte Lutz
	Sean Amodt	Mason Walters
	Larry Amodt	

**A. WORK MEETING/Non-Action Items:**

The Work Meeting began at 6:30 pm.

The Mayor stated that he had the police report, if anyone would like to review it.

**a. General Updates: BMX, Kolob Road, Old Church, Pocketville Park Restrooms and sign.**

Mayor Bruce Densley reported that Interstate Rock had donated the equipment and labor to make a new entrance to the BMX Track. The new entrance had been moved east of the old entrance, angling in just east of the old saw mill pond. Interstate Rock had also roto milled and graded the old asphalt into the new entrance, which gave it a good base. The only thing the Town had to pay for was the road base.

The Mayor reported that the Kolob Road was coming along nicely. Interstate Rock had the re-bar ready to start the bridge.

The Old Church was looking much more positive, because the Town had found out that it had a few

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more dollars than originally thought. He reported that there were two contractors looking at the project to see how they could save a few more dollars from their original bids. They would make recommendations soon, in order to get the project started.

The Mayor reported that the ground had been cleared for the restrooms in Pocketville Park. The plumbing and floor would be poured during the coming week. The cost would be less than thought because a septic tank had been donated. The Mayor asked the Council if they were OK using a colored cement block, instead of a gray, which had been painted. He reported that it would cost about \$400 more, but the Town was saving \$2000-\$3000 on the septic. He also stated that they could go with the chip faced block, but the interior would still be painted. Council Member Bill Adams asked if the block would be easy to clean. The Mayor answered yes. The Mayor also reported that the building would have the water lines inside, rather than in the walls, making for easier repair. Council Member Bill Adams suggested putting the extra money into the exterior to make it look nice, especially because of the septic tank savings.

#### **b. Town Roads Analysis.**

Mayor Bruce Densley stated that the Council had all received the list and the cost estimates for maintenance and upgrades on all roads in Town. He asked the Council to be ready to give recommendations of which roads should have the priorities during the August meeting. He also stated that in the June Minutes he believed there was a mistake, because there was only \$150,000 in the B&C Road Funds, rather than \$200,000. Mayor Densley stated that a Public Hearing was needed to amend the budget in order to spend these funds. Council Member Danyale Blackmore stated that she had met with Darren Cottam, who had done the analysis. He told her that the Council should make a decision in August because the price of oil was down and temperatures were optimal to do crack seal. Mayor Densley stated that he thought the best time to do the crack seal was when it was cold, so that needed to be clarified by August. He then suggested that the Council consider 50 South and 625 West for paving. Council Member Danyale Blackmore stated that she felt the new subdivisions in Town did not need

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paving, but rather the old parts of Town should be given priority. Council Member Bill Adams agreed that the old Town roads should be done first. Council Member Danyale Blackmore then stated that the Council needed to find out if the left over Kolob Road grant money could be used, because the numbers would change if it could be used. Mayor Bruce Densley stated that he wanted to wait on that money because the new road was getting over runs all the time. For example, \$60,000 more had been spent for green-bar, instead of black-bar, which was on the plans. He stated he was going to schedule a meeting with someone from UDOT, to make sure the money could be used to upgrade the old Kolob Raod.

#### **c. Liahona-Todd B./Clay Ah Quin.**

Todd Vowell introduced himself from Liahona Academy. He stated he would like to discuss the possibility of expanding the current business by adding another building located in Virgin. He reported that he had gone before Planning and Zoning who had recommended that he come to Council Meeting to discuss plans. He stated that he knew the Congregate Living Facility Ordinance probably would not accommodate another 48 bed facility. For that reason, he wanted to discuss the way to obtain a variance or any other ideas that Council might have to allow for the project. Mayor Densley clarified that Liahona wanted to come in with another operation, which would mean that they would have to apply for another Conditional Use Permit. Council Member Bill Adams clarified that the new building would be off site and a different place. Mr. Vowell agreed with both clarifications and stated that they had found five acres of property located just behind the proposed new Fire Station. He stated that they would build and improve a new road to the facility. He also stated that the new facility did not comply with Congregate Living Facility Ordinance because the property was located in the agricultural or rural agricultural zone. Mr. Vowell stated that even if they did obtain a zone change the Ordinance still only allowed for 20 beds, which would be under a Conditional User Permit. Mr. Vowell stated that if the project became a problem, they would look at other areas, but they had been in Virgin for 8 years and loved the relationship with Virgin. Mayor Bruce Densley stated that his opinion was that Liahona had always been great to work with, but the Town was not ready to have another facility. He then stated

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that they had a lot of hurdles to jump, especially with rezoning, which would be difficult. Todd Vowell stated that he was not there to ruffle feathers, but if Council was open to the idea, he would try to pursue it, if not, he would find another location. Council Member Jean Krause stated that there was a lot of effort put into the Congregated Living Facility Ordinance and the proposed addition was going against everything the Town had planned on. Mayor Bruce Densley stated that there had been no problems with the youth homes, but that two operations in this Town was plenty. Council Member Danyale Blackmore stated that she had a conflict on the issue because she was a little bit of an owner in Liahona. She stated, in order to speak for them, they had done a great job maintaining the facility and had stepped up to help when the Town needed them. She stated that she did not mind them giving it a shot because they were an asset to the community. Council Member Blackmore felt the Congregate Living Facility Ordinance needed to be revised. Council Member Jean Krause agreed that they had been good, however, if the Town allowed them a variance from the Town Ordinance to build another facility, then the Town could not stop another company from coming in. Mayor Bruce Densley stated that the business did not really bring a lot of money to the Town. Mr. Vowell stated that impact fees and employees was all they paid that would help the Town. Council Member Jay Lee stated that the government had quit financing these types of homes, so many were going under. On the other hand, Liahona and Falcon Ridge had waiting lists because of their programs, therefore, he did not see a problem with it. Council Member Bill Adams stated that they had been good citizens, helped in community, and provided employment and property taxes. Council Member Jean Krause questioned the precedent that would be set and also opened the door to other facilities. Council Member Bill Adams stated that a precedent is only a precedent if you say it is. If you don't want it to be a precedent, it isn't. Council Member Jay Lee stated that the Town can't allow a variance on a self imposed hardship, which would probably be the case for Liahona.

Steve Masefield, Planning and Zoning Chair, stated that Council Member Jay Lee pointed out correctly that you could not get a variance through the Board of Adjustments for a self imposed hardship.

Mainly a variance was applied to topology issues with set backs, and so on which, cause the owner

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unreasonable hardships. He suggested that the way forward would be to go through a zone change or an ordinance change process. He also mentioned that the Town was in the process of revising the general plan and if it was the wish of the Council the question of Congregate Living Facilities could be incorporated into the questionnaire. The feedback from the survey would decide where the Planning and Zoning was going with ordinances changes. If there was an overwhelming consensus that the Congregate Living Facility Ordinance should be revised, it could be done. Mr. Vowell asked when the survey would be going out to the Town. Mr. Masefield stated that it would be out in the Spring of 2015 and the General Plan rewrite would be completed well into 2015.

Monte Lutz asked if the survey would be binding. The Council and Steve Masefield stated no, it was just input.

Mr. Vowell clarified that in order for the project to move forward he could not obtain a variance from the Ordinance, it would have to be an ordinance change. Council Member Jean Krause stated that he could go to the Board of Adjustment and try, but it did not look promising because the hardship appeared to be self imposed. She suggest that Liahona review the Board of Adjustment Ordinance, chapter 3. The Chapter lays out what the Board looks at in order to grant a variance.

#### **d. Bonner CUP.**

Mayor Densley stated that a letter from the Town Attorney regarding the complexity of the issue had been received. He stated that it boiled down to Mr. Bonner was OK to rent his building out as was. He stated that there was no Conditional Use Permit needed because it was two separate lots, but was only joined as one lot, for tax purposes, and for all other purposes it remained separate lots. The Council reviewed the letter from the Town Attorney.

#### **e. Jack Ruggles-Insurance Vs. Bond.**

Mayor Densley explained that the Town Attorney had issued his opinion on the matter. He further

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explained that the Council had discussed the insurance policy at the last meeting, but the Attorney's opinion had shed some light on the subject. The Mayor stated that Mr. Ruggles would be discussed during the regular meeting.

**f. Discussion to amend ordinance to allow Town Council to allow exceptions, ex: height restriction.**

Mayor Densley stated that this item went back to possible hotels coming in. As it was now, it was against our laws, therefore, Council could not grant an exception. The only way the Town could allow it, was if the Ordinance was changed or amended giving the Town Council the authority to grant certain exceptions under certain conditions. The Council could use an incentive or consider geological features, then that it could be done. He stated that he had spoken to two attorneys, Heath Snow and Dave Church, on the matter. He stated that he knew the Town did want to change the Ordinance to allow three stories. Council Member Jean Krause stated that she had also called Heath Snow and Dave Church, who both said there were two ways to do this. The Town could either enact an ordinance that gave the Town Council authority to grant exceptions, but it would have to be very specific, or amend the specific ordinance giving the authority within that specific ordinance. The Council must specify that an exception was not the same thing as a variance and lay out what the difference was. Council Member Krause stated that it would be illegal if the Council took on the duties of the Board of Adjustment in granting variances. Council Member Danyale Blackmore stated that she was concerned because the Council was now looking at changing an ordinance for Stuart Ferber, but there were other ordinances and other people that had come in who the Council had said absolutely no too. She questioned if the Council was really being fair. She asked what ordinances Council was willing to change and was it just because of the person who was wanting to do a project. She reminded the Council of the RV Park that was basically told no several months ago, where the Council was not willing to change the zoning. She asked if the Council was going to favor one person. Council Member Jean Krause agreed. She also stated that Heath Snow had said that once an ordinance is enacted allowing an exception, someone is granted an exception, the Town cannot have someone else

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come in later with the same set of circumstances and deny them an exception. That would be unconstitutional and the Town would end up in a lawsuit. Mayor Bruce Densley stated that was why the Town should include geological features. Council Member Jean Krause stated that was the Board of Adjustment's job. Mayor Densley asked if the Council was interested in reviewing this, or were they just going to flat say no. He realized that he didn't want to open up the whole thing. He specified that it was only for the hotel-resort zone. He asked the Council to be thinking about it, to discuss it more in the future.

#### **B. REGULAR MEETING/Action Items:**

##### **1. Call to Order-Mayor Bruce Densley**

Mayor Bruce Densley called the meeting to order at 7:07 pm.

##### **2. Invocation/Pledge of Allegiance**

Mayor Bruce Densley gave the Invocation. Council Member Bill Adams led the Pledge of Allegiance.

Mayor Densley stated that Mike Crawford had began to refinish the floor. He thanked Mike for his time.

##### **3. Declaration of Conflicts of Interest.**

No Conflicts of Interest were disclosed.

#### **OLD BUSINESS:**

##### **4. Review with possible approval of June 25, 2014 Town Council draft minutes.**

Mayor Densley stated that the Minutes would be placed on a Consent Agenda in the future. The Council all stated that they had received Council Member Jean Krause's corrections, which were mostly grammatical. Council Member Jay Lee, Jean Krause, and Mayor Densley made corrections.

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*Jean Krause moved to approve the June 25, 2014 Minutes as set forth in the copy which was given to Darcey Spendlove, Monica Bowcutt, and the Council, along with the changes set forth by Jay Lee and Bruce Densley. 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.*

#### **5. Review with possible approval of June 2014 Invoices and Checks.**

Council Member Jay Lee asked who Long Point Development was. Council answered it was Darren Cottam, who was hired for the Road Analysis.

*Jean Krause moved to approve the June 14 ,2014 Invoices and Checks. Jay Lee 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.*

#### **6. Destination Stop/Hotel/Convenience Store/Convention Center-Stuart Ferber**

Stuart Ferber was not present. Nothing was discussed.

#### **7. Water Rate Review-Terry Smith**

Terry Smith was not present. Mayor Densley stated that the Town was not keeping up financially for water repairs and there was no reserve fund. He stated that the Council had been talking about the issue for several months and he was hoping Mr. Smith would help the Council decide what would be the best way to go about this. Mayor Densley stated the item should be tabled. Council Member Jean Krause stated that she would follow up with Terry Smith. Council Member Bill Adams clarified that the issue was that the Town was not collecting from the users as much money as they were paying out to the Washington County Water Conservancy District. Council Member Krause stated that it was more than that. It was also that the Town did not have enough money for repairs and infrastructure. Council Danyale Blackmore stated that the Town was relying on the General Budget to cover the water



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bills. Council Member Bill Adams stated that the Town had not been passing along to the citizens the fee increases which came from the Washington County Water Conservancy District. The Town had now reached a point that the towns people needed to pay the water fees. Mayor Densley reminded the Council of the 80 acres of water asset land the Town owned, which could be sold, although, he would like to wait until the prices went up a little more. He also stated that he thought that the Town should hold off on purchasing the water shares, because there was no water. Council Bill Adams stated that he disagreed, the water would come back and the water shares should be purchased now. Council Jay Lee thought that the water in question was pre-1900, so it could be used. The Council agreed that negotiations should not be rushed, but should be continued.

#### **NEW BUSINESS:**

##### **8. Discussion/Decision of License/CUP-Jack Ruggles**

Jack Ruggles was present to discuss his situation. Mayor Densley stated that Mr. Ruggles was present to ask that his Conditional Use Permit be reinstated. Mr. Ruggles handed out copies of the Equine Law and his waiver. He stated that he had spoken to three attorney's, including Heath Snow, who had all said that the likelihood of a lawsuit with the livestock waiver was very slim. Mayor Densley asked Mr. Ruggles if he was still wanting to use a bond instead of insurance. Mr. Ruggles answered yes, because he could not get insurance.

Mayor Densley asked the Council their opinion about accepting a bond in place of insurance. Council Member Jean Krause stated that she had read the letter from Heath Snow, Town Attorney, as was happy with his recommendation. She understood, as a former attorney representing insurance companies, that the insurance company would drag it out for years. Council Member Danyale Blackmore stated that the Town was not in the business of bonding and holding properties. She did not see the Town actually taking his home, if needed. She respected Mr. Snow's opinion, but did not believe it was in the Town's best interest because bonding the property would not help the Town in the long run. Mr. Ruggles stated that he paid cash for the property, so there was no risk for the Town. He stated that it was his only

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source of income and was looking for a way to work it out. Jay Lee stated that he was not sure what the answer was. He would not want to put his own property up for bond. Mr. Ruggles maintained that no insurance was needed based on current laws, so he could not get insurance, but was willing to bond instead.

Monte Lutz asked if he could possibly get a blanket policy, stating he had this type of policy. Mr. Ruggles answered that he checked into that and could not find a company to cover him.

Council Member Bill Adams stated that he thought the bond would be fine. He agreed with Council Member Danyale Blackmore that the Town did not want to take his home, but Mr. Ruggles was an honest man who wanted to do the best thing, and needed to get back to business. Council Member Adams expressed concern about the Ruggles unpaid utility bill and would have liked to see evidence that the fees would be paid. Council Member Adams also stated that he understood that the porta potty issue had been taken care of. He stated that the bond was satisfactory.

Larry Amodt asked why taking Mr. Ruggles property would be different than taking property on a subdivision, which was often done. Council Member Danyale Blackmore explained that subdivision bonds were a cash bond, where Mr. Ruggles was using his real property as the bond. She also questioned what would happen if the Town ended up with the property. Council Member Bill Adams stated that the Town would not throw Jack Ruggles out of his home. Mayor Densley stated that it was a contingency thing and a worst case scenario. The Mayor clarified that Jack Ruggles had read through and understood why the condition must be met, in addition to the equine law.

Mayor Bruce Densley stated that one of the other issues that must be resolved before the Conditional Use Permit could be renewed were the restrooms. He stated that himself and the Zoning Administrator had been to look at the restroom facilities, which were not the fanciest, but they are acceptable. The Mayor stated that the other thing Mr. Ruggles had to resolve to get his business license back was to

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come to resolution on the utilities. Mayor Densley asked Jack Ruggles if he had a recommendation on the issue. Jack Ruggles stated that he had been playing catch up with his bills, and had paid most of his taxes and other debt down. He stated that he could pay with his credit card, but would ask the Council to take the penalties off. He stated that if the Council would deduct the penalties he would pay the remainder of the water bill in full. Mayor Densley stated that the Council could not come up with an actual dollar amount without Monica Bowcutt, Town Clerk, who was not present. Mayor Densley asked how Council felt. The Council agreed that the penalties could be forgiven.

Council Member Jay Lee asked that the equine law sign be posted and that the waiver be signed by all riders. Jack Ruggles stated that he was also going to video tape explaining the waiver to all riders. Council Member Jean Krause felt that Heath Snow should write the bond. Jack Ruggles agreed that he could have the bond in place and the water bill paid in full within two weeks. Mayor Densley stated that Jack Ruggles had agreed to pay all legal fees that had been incurred to that point. Mayor Densley stated that he had a notarized copy of a Consent Permit dated August 3, 2005, which stated that “in the event Virgin Town or any of its employees, agents, representatives are required to initiate any legal or other proceeding, then I hereby agree to pay for all courts costs, attorney fees and any other fees incurred by Virgin Town resulting by failure to provide any provision as described in the Conditional Use Permit”. Jack Ruggles agreed that this was fair, although he might have to do a payment plan. Mayor Bruce Densley stated that if Mr. Ruggles was fair with the Town, the Town would be fair with him.

Jack Ruggles asked if his business could proceed as usual. Mayor Bruce Densley stated that he could not tell him to go ahead and break the law, but he would not tell them to go out and look for him either. He stated that if they saw Mr. Ruggles operating, he was on his own because it was not as though his license had expired yesterday. Mayor Densley suggested that if Mr. Ruggles had problems in future, he should come in and see the Town, instead of waiting until trouble began.

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*Bill Adams moved to approve the reinstatement of Jack Ruggles Conditional Use Permit and Business License, if by August 7, 2014 he 1)provided the Town with either a 1 million dollar insurance policy or a bond on his property, 2)that he pay the water bill minus the penalties, and 3)pay the attorney fees incurred by the incidence. Jay Lee 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.*

#### **9. Recommendation from P&Z to Approve CUP-Hal Cannon**

Mayor Densley asked Steve Masefield, Planning and Zoning Chairman, to explain the Hal Cannon Conditional User Permit. Chairman Masefield stated that it became apparent during a previous meeting that the Town had not followed the Ordinances on Mr. Cannon's construction of a casita building. He should have received a Conditional User Permit before it was completed. After which, the Planning and Zoning had issued a retrospective Conditional Use Permit. He also stated that the Planning and Zoning did not know that a public hearing was required, so a retrospective public hearing was held and the project came before Council, and then back to Planning & Zoning. The Conditional Use Permit was approved without any problems. Council Member Jean Krause explained that the Cannon Conditional Use Permit was straightforward and met all the requirements.

*Jean Krause moved to approve the Conditional Use Permit for Hal Cannon's casita because it met all requirements of the Casita Ordinance. Jay Lee 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.*

#### **10. Recommendation from P&Z to Approve CUP-Eric Bonner.**

Mayor Densley stated that the Town Attorney had done quite a bit of research on the issue. He read part of a letter from Heath Snow, stating that the lots "are grandfathered in and the converted post office is not a casita. It is its own separate building and can rented for the long term".

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*Bill Adams moved to disregard the recommendation. Jay Lee 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.*

### **COUNCIL COMMENTS:**

- Jean Krause asked what was the motivating factor for the realignment of Kolob Terrace road. Bill Adams answered that safety was the issue because of the bus stopping on the winding road. Danyale Blackmore stated that Lori Rose, who had written the grant, stated that it also was the construction trucks going up the road. Bill Adams added that when Sierra Bella began, the traffic picked up, only adding to the concern of 60 houses going into the area. Danyale Blackmore stated that she had spoken to Lori Rose a lot about the topic, Lori had stated that the Town had decided to not pass up the opportunity to get the federal funding and the easement from the Washington County Water Conservancy District. She also said that the Town was looking into the future 12 or 15 years. Bruce Densley stated that there had always been complaints about the danger of the road. The Town had two choices, 1) a taking, which would cost millions of dollars, or 2) a new road, which the Town was getting at no cost to the taxpayers. Jean Krause stated that the new name was going to be an issue because people who were trying to get to Kolob would still use the old road. She stated that if the Town was trying to divert the Kolob traffic, the name Kolob could not still be in the name. Bruce Densley stated that surveys had been sent out to people who lived on the road, who he was hearing from already.
- Jay Lee stated that he knew the Town was on a budget and that Dave Church from the Utah League of Cities and Towns was willing to take calls for free. He also thought that the Mayor should be the one to call the Town attorney, in order to save money from calls and duplication. Mayor Densley stated that was still the case, but he had asked Jean Krause to talk to the attorney about tonight's issues. Jean Krause stated that Dave Church did not charge, but he also did not say whether the Town should do

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something, he just said how it could be done. She reported that he was very short and did not go into long conversations. Heath Snow told you yes, you can do it this way or that way, but I recommend it this way or you should not do this. Bruce Densley stated that there was a limitation to how much the Town could use Dave Church. He then stated that the Mayor should be the one calling, but he had the right to ask someone else to call.

– Danyale Blackmore thanked all those that helped on the 4<sup>th</sup> of July. She stated that it was great and had made more money than past years. Mayor Densley stated that it was close to \$1000, which was going to the Old Church fund.

### **OPEN FORUM**

– Steve Masefield stated that he was concerned about moving the height exception to 35 feet. He stated that the Fire Chief had said that it would significantly increase the financial burdens of the Town and perhaps the taxpayers. He stated that it was a conflict that would be hard to resolve. Mr. Masefield stated that he had the greatest respect for Mr. Ferber, but he was a developer and seemed to maximize his return. Mr. Masefield stated that he had done extensive research on motels. He reported that: Best Western would not build here because of the close proximity to another hotel; the Marriott always adhered to town standards and county rules in regard to heights and permit floors and they would do two stories; LaQuinta liked three, but they would do two; (Mr. Masefield stated that he had talked to the managing director for the area who said that if this was a sensitive area, they would do two stories again.) Windom (Super 8, Days Inn) reported that they don't worry about height so much, but have a minimum number of rooms; Hampton Inn would work with the Town, preferred two floors, although, they would like more; Holiday Inn, typically wanted three floors or more, but always respected local ordinances and would accept two floors if that was required. Mr. Masefield urged the Council to listen very closely when a developer came in and said hotels chains only accepted three stories, because that was not true. He stated that he had the report and had spoken to the people personally. He also had the names and numbers if any of the Council would like to follow up. He asked the Council to please do not be bamboozled by the thought of losing a hotel if it could only be three stories. Hotels could be

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two floors, although, it might be slightly larger and laid out, but it can be done. Mayor Bruce Densley stated that each Council Member received the information. He explained a couple of thoughts to consider: the spot Mr. Ferber wanted to build was down below the roadway, so he wondered if a 35 foot below the roadway hotel be any worse than a 30 foot building at the roadway level. Mayor Densley stated that Mr. Ferber had agreed that two stories could be done, but from a financial viable perspective and a smaller footprint, it was not his desire. Steve Masefield stated that the opening paragraph of the General Plan stated that Virgin was a small town that wanted to remain rural in nature. Mr. Masefield felt that if you put a three story 35 foot hotel in the middle of town, it was not in keeping with the General Plan, but if the Council wanted to go down that route, the Planning and Zoning would work on it. Council Member Jean Krause stated that during the last meeting Mr. Ferber stated that his occupancy rate was 72%, so this was between a third and a quarter. If he had a three story hotel, one third of his hotel was taken up by that top story, which was essentially not full because he had only 72% occupancy. Council Member Jean Krause stated that was in Springdale, and she did not think that Virgin would have that level of occupancy. She stated that there would be a three story hotel with the top story empty.

Monte Lutz stated that was a weighted average over a 365 day period, so you have to make hay when the rain shines, so to speak. It did take away potential revenue.

Linda Collet stated that several years ago Stuart Ferber came to the town and wanted to put in a hotel, which started the process of zoning that area Hotel Resort Zone. The Town had spent almost a year and a half coming up with the ordinance, then the minute Mr. Ferber's plans were OK, he left. She agreed with Steve Masefield, in that most developers will want to work with the Town because they want their location to be a success. She stated that she understood that the Town Council may want the power to make exceptions, but not every Council may be as sensitive as the present one. If you go down the road of granting exceptions, the next person would come in and say, "You gave Stuart an exception. I want an exception and if you don't give me one, I will sue you". She stated that the moral was that

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, July 23, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

everybody should be treated the same. Mayor Densley stated that many times cities offer an incentive to get a particular business in. He felt that if Virgin could get one hotel, others would come. He also stated that he could see pluses and minus on both sides and discussions were needed now, in order to make a wise decision.

Bonnie Timmerman stated that the three story fire issue was not good. Mayor Densley stated that as a result of the discussion, the Fire District and County may have county wide tax for fire support. The Chief had said that if we could get a few more volunteers the station would be built in Virgin. Council Member Danyale Blackmore stated that the Town needed to wait to see Mr. Ferber's plans. Council Member Jay Lee stated that the Town could use the impact fees from the hotel to upgrade the water mains, etc. Mayor Densley stated that if the Town could get the growth, it would have the tax base to pay for all the water mains, etc. He stated that all things needed to be put on the scale. Council Member Jean Krause stated that she wanted to see how many water connections his hotel would take. Larry Amodt stated that the Highway Resort Zone Ordinance stated that over a certain amount of water, the developer was required to provide their own water, which meant they had to purchase it from the Washington County Water Conservancy District. The Ordinance also asked the developer to improve facilities and install trails, which allowed them a height advantage of ten feet.

#### **C. ADJOURN PUBLIC MEETING:**

##### **19. Approve motion to adjourn public meeting.**

*Jay Lee made a motion to adjourn the public meeting. 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.*

The Meeting adjourned at 8:15 pm.



**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

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\_\_\_\_\_  
Monica Bowcutt  
Town Clerk

Approved: \_\_\_\_\_