

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, September 24, 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: Monica Bowcutt, Town Clerk
 Darcey Spendlove Bonnie Timmerman
 Lori Rose Robert Beers (SWUT Public Health)
 John Ely Cindy Escude?
 Sean Amodt Allen Lee
 Terry Smith (Rural Water) Steve Masefield
 Andrea Wenzel Lee Ballard
 Dan Snyder Liahona Kids & Supervisor
 George Rodinos Ron Smith (Zion RV)
 Stuart Ferber

A. WORK MEETING/Non-Action Items:

The Work Meeting began at 6:33 pm.

Mayor Densley stated that he had attended a Utah League of Cities and Town Meeting. One thought he had taken from the meeting was: “We cannot collectively live without compromise”. He stated that compromise was different than appeasement. Mayor Densley read statements made by John Adams and George Washington dealing with the Constitution, political parties, and getting along as neighbors.

Mayor Densley updated the Council on the new Kolob Road. He stated that the rains had put the bridge behind about 4-6 weeks, but the road was still on schedule to be paved and operational before winter. The upper section of road was almost ready to be paved.

The Mayor reported that he and Chris Holm, Town Maintenance Supervisor, had met with Neil

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Swindlman, Manager of the County landfill, about the possible relocation of the Town dumpster site. They had looked at many areas, but had found one site that was off of the new Kolob Road. The area was located in a little bowl, had easy access, was not visible from other areas, and would keep traffic off of the Old Road. The property was Water Conservancy District property, who had indicated that they would like to trade for property further up the Kolob Road. Mayor Densley reported that Mr. Swindlman that about two acres was needed for the dumpster site.

a. Discussion of existing non-conforming lots: Sq. Ft. requirements and set back requirements.

Mayor Densley stated that there were a few lots in Town that were nearly impossible to build on because of the changes that had been made to acreage requirements. He made the suggestion that an amendment be considered that would make these lots usable. He explained that under the old zoning rules, they were legal lots. He gave an example of a lot on Water Street. He asked for Council input on possibly looking at each individual situation and maybe allowing those to be built using the old zoning (Residential), rather than Rural Residential. Council Member Bill Adams stated that each lot should be looked at individually. Council Member Jay lee stated that he thought the lots fell under a legal non-conforming lot because it was legal lot before the changes. In essence they were grandfathered in. Planning and Zoning Chairman, Steve Masefield, stated that the lots were grandfathered in, therefore, legal lots, but the issue was the set backs. He explained that a general overlay could be done, either by parcels or by general ordinance change. The Council agreed that the issue should be reviewed by Planning and Zoning.

b. Discussion of Resolution to adopt new members to Local Building Authority to be voted on in Consent Agenda.

Mayor Densley explained that this item did not need to be discussed as previously thought.

c. Discussion of Resolution of Procurement Policy to be voted on in Consent Agenda.

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Mayor Densley stated that this Resolution would bring the Town into compliance with State Law, allowing up to \$50,000 in expenditures without it going out to bid. This would save the Town a fair amount of money. He stated that the item would be discussed in the Regular Meeting agenda as item number 10.

d. General Discussion.

Planning and Zoning Chairman, Steve Masefield updated the Council on the possible re-zoning of the Munn property. He stated that the Public Hearing was held at the Planning and Zoning Meeting, which was well attended. The Commission kept the Hearing open until the October Planning and Zoning Meeting, so that anyone who was not at the meeting would be able to make comments. During the October meeting the Commission would either recommend or deny the action.

Mayor Densley reported that most of the roads had been sealed, although, a few were missed and would be completed soon. The lower part of the Mesa Road would be re-paved soon and could possibly have the entrance widened in the Spring. Also in the Spring, the 101 Highway entrance would be upgraded, plus a few roads that were currently unpaved would be paved. The Old Kolob Road would possibly be fixed up in conjunction with the paving of the new road.

B. REGULAR MEETING/Action Items:

1. Call to Order-Mayor Bruce Densley

Mayor Bruce Densley called the meeting to order at 7:00 pm.

2. Invocation/Pledge of Allegiance

Council Member Jay Lee gave the Invocation. Council Member Bill Adams led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest.

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No Conflicts of Interest were disclosed.

4. Mayors Comments.

Mayor Densley stated that he would like the citizens to know more about the Council Members. He stated that it was quite a diverse group, with most of them having at least one college degree. He went on to further explain more of each of their backgrounds.

5. Approval of Consent Agenda/Items may be handled as one Item:

- * **Special Meeting Minutes.**
- * **August 27, 2014 Minutes.**
- * **Financial Reports.**

Bill Adams moved to approve the Consent Agenda Items as listed. Jean Krause seconded the motion. No roll call vote was taken. The motion passed unanimously.

6. Citizen of the Month-A special thanks to all the unnamed people who helped when needed for the flood. The citizens nominated are: Kevin Stout, Joel Haws, Thad Wilcox for helping during flooding in Virgin. Liahona Boys cleaned up after the flood a residents homes.

Mayor Densley explained that many citizens helped with the flooding. He presented the following people with certificates, all who responded in a timely manner: Joel Haws, Liahona Academy, Kevin Stout, and Thad Wilcox. The Mayor also presented Monica Bowcutt, with a special valuable person plaque in honor and appreciation of her kindness, hard work, and professionalism.

7. Stewart Ferber: Hotel concept.

Mr. Ferber reported that he had found a hotel chain that would allow him to build with two stories, the Best Western. He reported that he would meet the Town Ordinances. He stated that most of the parking would be hidden behind the hotel. It would have a lot of landscaping, grass, and a water

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feature in front. He stated that he would like to start breaking ground in March and be open for the 2016 season. The hotel would have about 130 rooms, meeting space, conference area, service station, and possibly a restaurant. The building would be in a Y or T shape, as opposed to a stucco box. He reported that the water would come from the city's 8 inch pipe. The waste water would go into several septic systems, with one being a back up system. He was also looking into a third back up system, which would convert the waste water to something that was clean enough to use for watering. He did not believe that he would be in competition with the other Best Western's in the area.

8. Steve Masefield-P&Z Chairman-Waste Water issue and information.

Steve Masefield, Planning and Zoning Chairman, reported that drinking water was really not the problem, but rather, that of waste water with septic use. Council Member Jean Krause reported that she, Steve Masefield, and Mayor Densley had met with Ron Thompson, Barbara Jelly, Robert Beers, Paul Wright, and consulted with David Church to discuss the issue. Mayor Densley stated that the Washington County Water Conservancy District had assured the Town that water would be available if it was needed for the future, although, prices were not discussed. Mr. Masefield stated that the problem with Virgin using septic tanks was that all the water which goes down the drains, ended up in the river, which then caused a problem for St. George's drinking water. Council Member Jean Krause stated that the metric that authorities used to gauge potential impact was called population equivalent, which was completely different than residential units or ERU's. Population equivalents were calculated by total full-time residences, part-time residences, businesses, hotels, and RV hookups. Steve Masefield explained that when the Town reached 1,220 population equivalents, it would start to have a significant negative impact on the water table. As a close guess, Virgin currently had 895 population equivalents. He suggested that if all the subdivision lots filled up, and the RV parks and hotels are put in that were currently being explored, the Town would be at about 1,165 population equivalents. He recommended that the Town calculate the actual population equivalents, conduct a geological ground water study, and look at installing a sewage system. Jean Krause explained the different studies and resources that she and Steve Masefield had used to come to these conclusions.

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Council Member Jay Lee reported that he was Mayor when the Lucan-Allen Study was done. This study had Virgin at 20 acre lots because we were listed in the Basalt. He stated that the Town had hired Jones & Demille do a study in which they listed Virgin in the Lower Moencoppee, with no lava rock under us. This was the best soil for septic systems. Council Members Jay Lee and Jean Krause had a discussion on whether the new hotel would be able to build a septic system and whether it would effect the population equivalent numbers. Steve Masefield stated that if a developer put in a sewer system, by law it must be managed by a political body. This would possibly put a hodge podge of sewer systems all over town that must be managed by the Town. Council Member Jay Lee stated that the Water Conservancy District would like to have our waste water, which would be piped to to their sewer system near the diversion dam. Council Member Jean Krause stated that if the Ferber hotel and the Munn RV park go in, they would use up all the population equivalents and we would not be able to build another house in Town. Mayor Densley stated that the Council would like to have a ground water and waste water study done in order to think about down the road.

Ron Smith asked why Mayor Densley did not see the urgency in the matter. He stated that with the two developments wanting to come in and with no concept of where the Town was now, it looked like an emergency. The Mayor replied that it was not an emergency, and there were a lot of variables. He was planning to get some financial help to get the study completed.

The discussion turned to finding grant money for the Town, individual residents, and individual businesses in the case of hooking onto a sewer system. Robert Beers, SWUT Public Health Department, stated that he was not fully in his jurisdiction, discussing the grants that were available. He stated that the presentation was very well done. He also explained that the new systems were very varied in size, maintenance, and cost, mostly because of geography.

9. Rural Water-Water Rates-Terry Smith

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Mr. Smith stated that he had prepared a spreadsheet customized to Virgin Town. He stated that the residential base rate was \$38.64, which included 15,000 gallons. It was \$2.65 per thousand, for everything over 15,000 gallons. He stated that loans and grants usually require two or three tiers, to encourage conservation. The commercial base rate was \$64.40, for 15,000 gallons, with the same rate thereafter. The standby water hookups provided a significant amount of income. The yearly amount the Town should have billed for was about \$127,000, which was an average of \$47.95 per customer per month.

To qualify for a grant the Town must be 80% or less than the MAGI or needed to be 1.75 of the MAGI. The Town is really close to both of those numbers. The Town should ask for radio water meters inside another grant in order to get them.

Terry Smith stated that the Town does not have a lot of water above the 15,000 gallons that was sold. He stated that only about 11% of customers go over the 15,000 gallons. This meant that charging for the overage would not generate a lot of revenue. He suggested that the Town should increase the base rate to bring in more money or lower the amount of water given in the base rate.

Mr. Smith asked if the Town had a Water System Management Plan. It looked at the system, growth, deficiency, and also broke it down into 5 years increments. It basically gave the Town an idea of where it should be headed and how much money it will take to get there. Lee Ballard suggested that the Town's Capital Facilities Plan could be used.

Lori Rose asked about a rate for people who were watering stock. Mr. Smith replied that many communities have a stock water rate.

Council Member Bill Adams clarified that the water rate raise was needed in order to break even with what the Town pays the Water Conservancy District. Cindy Escude' urged the Council to raise it

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sooner than later, in order to save money in the long run. Sean Amodt suggested using this as way to put some away for a rainy day. John Ely suggested raising the basic rate but leaving the gallon amount the same. Allen Lee suggested that the Town should charge for usage because many people do not use the entire 15,000 gallons. Ron Smith asked if the commercial rates would also be raised. The Council answered yes. Lee Ballard stated that in order to make more money, the cost per gallons must offset for those people who do not use as much. Cindy Escude' suggested raising the base rate until the water was being paid for. Lori Rose clarified that the Town was billed per gallon. Council Member Jay Lee suggested that if everyone cut down on their water usage, then the Town would not be billed so much from the Conservancy District.

Terry Smith suggested charging for the water what we need to make up, then the Town would know what the true usage would be, then the rate could be changed accordingly.

10. Resolution #14-092414-G: Adopting Procurement Policy.

Mayor Densley stated that the Town was raising the amount that was required before it had to go to bid, in order to comply with State code. The Resolution staid that the Town could spend up to \$50,000 without having to put it out to bid. Three conditions must be met: 1) The Town Council pre-approved the procurement, 2) The Town Council ratifies the procurement after the fact, or 3) The procurement relates to a used or previously owned items or the service to be procured is provided by less that 3 providers located within 150 miles of the Town of Virgin.

Bill Adams moved to approve Resolution #14-092414-G, Adopting the new Procurement Policy. Jay Lee seconded the motion. No roll call vote was taken. The motion passed unanimously.

11. Darwin Hall-Ash Creek-New Ground Water treatment systems.

Mayor Densley reported that Darwin Hall had some unexpected problem with his cattle on the

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Mountain and was unable to make the meeting.

Council Member Jay Lee stated that after the recent flooding, several people had approached him about cleaning the wash out. He stated that he had told them it was not the Town's problem because it was on private property. Mayor Densley stated that the Town would assist in keeping the channel clear, because it would stop it from backing up again. Council Member Bill Adams stated that if it was private property, the Town should not be helping, because it falls to the property owner. Council Member Danyale Blackmore stated that if the Town had an easement, the Town should be helping.

COUNCIL COMMENTS:

No comments were made.

OPEN FORUM

– John Ely stated that a UDOT storm drain that crossed the road should have been bypassed during the development of Phase III of Desert Gardens, which was not done. The State of Utah would not allow for that storm drain to be plugged, even though it was underground at my end, it still washed up and his entire backyard was washed out. He had obtained three different estimates from landscapers for how much it will cost to get it cleaned up, which was between \$6,600 and just over \$7,700. It would take about five days to complete because the yard had to be taken out and replaced, There was also 250 feet of dry creek (decorative stone) that must be dug up and rebuilt, mud flow needed to be cleaned up, and an area by the water meter where dirt washed away and settled. Mr. Ely stated that both parties realized there was some responsibility on both parts. Mayor Densley stated he did not see where the Town was responsible, but would get a legal opinion. Council Member Danyale Blackmore stated that blame should not be placed anywhere because it was hard to decide who was to blame. Perhaps the neighbors across the highway changed the wash, or UDOT was at fault because they built the road.

Council Member Jean Krause asked what amount John would like the Town to pay. He replied fifty

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percent of the cost. Mr. Ely asked that a letter he wrote a year ago be attached to the minutes. Mayor Densley stated that he had reviewed the culverts and washes in the area and the one by Mr. Ely's home was the only one that proposed a problem.

– Bonnie Timmerman stated that she had noticed there was a six foot wall in Desert Gardens. She asked if the city had done their research on what actually happened with building the house, the separate garage. Mayor Densley stated that the wall came about because the state law says that there must be a six foot wall around a swimming pool. Town Ordinance does not say where you have to put your swimming pool. State law supersedes Town Law.

– Moncia Bowcutt stated that Tom LaCrosse wanted to clarify for the August Minutes that his proposal of a hammerhead, instead of a turn around would save the Town money.

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: No roll call vote was taken. The motion passed unanimously.

The Meeting adjourned at 8:47 pm.

Monica Bowcutt

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Town Clerk

Approved: _____