

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 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  
                                 Danyale Blackmore  
                                 Jean Krause  
                                 Jay Lee

Others:                Monica Bowcutt, Town Clerk  
                                 Darcey Spendlove                      Cindy Escude  
                                 John Ely                                      Larry Amodt  
                                 Sean Amodt                                  Lori Rose  
                                 Adele Pincock                              AJ Wenzel  
                                 Andrea Wenzel                              Steve Masefield  
                                 Linda Lee                                      Jesse Lewis  
                                 Mark Seave                                  Mike Crawford  
                                 Sue Crawford                                Valerie Wenz  
                                 Dan Snyder                                  Kathy Kelly  
                                 Kathy Alder                                  Mason Walters  
                                 Julie Hancock                               Jim Hancock  
                                 Kason Smith

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

The Work Meeting began at 6:32 pm.

**a. Mayor update on John Ely flood issues, Old Church, Kolob Road Realignment Project, Mosquito Abatement Conference.**

Mayor Densley stated at the time the flood was going on, he had told John Ely that the Town would look at any issues that resulted and address them as needed. The Town had reviewed the situation and the box culverts that had been originally called for, but they had been modified to a more efficient way. This was done by not combining them, but running them down through a backyard. Instead, the East culvert entered into a wash and drained into the river. He also stated the culvert that was put in by Blackmores on the North side of the highway did not replace the culverts that were running across. It

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

was an additional culvert that drained the water coming from up above to mitigate the problem of these smaller ones. The culvert that John had previously been concerned about was not the one that created the flooding. UDOT and the attorney had stated that the Town was not liable because the culvert had been blocked off by the property owner. It had been found that the culverts did what they were supposed to do. The Mayor stated that UDOT strictly prohibited the blocking of any culverts. Financially, the Town was not responsible for the problem, however, if it was of interest people in Town were willing to help redo the yard, if Mr. Ely would like the help.

Council Member Jean Krause stated that she felt the Town should be willing to negotiate something, even though the attorney said the Town was not liable. She saw it as questionable and the Council should be willing to see how it went with volunteers etc., instead of giving a blanket 'no'.

Council Member Jay Lee stated that the Town attorney said the Town could do that, but it would open up a can of worms.

John Ely confirmed that he was looking for monetary assistance. The bill was going to be on the plus side of \$7,000, and the work had been started. He appreciated the people who had volunteered to help, but cleaning out the dry creeks would be a lot of shovel work with rocks. He did not feel he could ask people to do that kind hard labor. He thanked the people who had volunteered. He stated that he had another issue that he did not believe had been addressed. He stated that in lot 41, to his West, when the city issued an excavation permit to Blackmore to do the pad, they filled in a natural wash. They had dug a trench around the perimeter of the property to create a new area for water flow, which included three 90 degree turns. The issue that he had, was the culvert that came into his backyard, which now had no place to go. Mr. Ely reported that when he had first inspected the lot the culvert was not visible. A month later it was visible because of the work that was being done to put up the wall. Mr. Ely had talked to Vince Blackmore, who had told him that it would be taken care. He felt that what Mr. Blackmore had done was not sufficient. Then Vince Blackmore had told Mr. Ely he would bypass it on the other side, which he was thankful for. Mr. Ely did not think he had a problem any longer with that drain, so he filled in the ditch and blocked it at his end. He believed the issue had been fixed, but it was

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

not.

Council Member Danyale Blackmore stated that the property owner to the West changed the drainage to make his lot usable, which was legal. He understood that this was a temporary solution and he was hoping to get some help from John Ely to create a man hole and a drain. He was currently not in a position to pay for it, but would do so in the future, in order to make it functional. The property owner was not trying to cause problems. John Ely informed the Council that the Ordinance stated that a natural wash could not be filled in without an engineers approval.

Mayor Densley asked the Council if they were also going to pay Mack Hinkley for the damage to his property. Council Member Jean Krause agreed and stated that because Mr. Ely had started the work, it changed what she was going to recommend. The Mayor stated he was hoping to provide some in kind help. Mr. Ely asked for a copy of the changes that were approved to the initial engineers drawing for the culverts. The Mayor replied that because the engineer had signed off on the changes, it was legitimate. He stated that the Office would provide a copy of the signed off papers and also the part of the attorney's letter that was pertinent to Mr. Ely's situation.

Mayor Densley stated that the Old Church was scheduled for completion in February.

The Mayor reported that the Kolob Road was coming along well. They were taking a lot of rock out, which would be used in Pocketville Park so the park would not be flooded again. The paving would begin within the week. He reported that the funds were coming along, and he believed there would be enough to also take care of the lower Kolob Road.

Mayor Densley reported that he had the opportunity to attend a mosquito abatement conference. Sean Amodt had done a presentation on a new pesticide to help control the West Nile Virus.

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

Lori Rose stated that she was concerned, as one of the down stream property owners, about the use of boulders to protect Pocketville Park. She stated that it had always been her understanding when Sierra Bella was being designed, the park area was intended to be a flood control basin, to help slow the water to come through under the highway. Mayor Densley stated that they would be reinforcing the upper area where there was a bend, but the water would still be able to break through in the lower section as designed.

The Mayor reported that the cement had been poured for the Pocketville Park restrooms. The flood had not damaged the plumbing.

Mayor Densley reported that the Hurricane Valley Fire District was having a meeting with Hurricane, who was wanting to come back as a full time participant in the Fire District. The District had also been discussing with Washington City possibly building a joint station at Coral Canyons. He then reported that the District was spending about \$100,000 to improve and place bigger equipment at the LaVerkin Station, which would benefit Virgin.

Mayor Bruce Densley stated that that Council needed to vote on a name for the Old Kolob Road at the next meeting. The numerical numbers would not change, only the name. The names that had been suggested were: Pocketville Park Road, Mountain Dell Road, and Sawmill Road. Signs would be placed on the highway to direct traffic to the new road.

The Mayor reported that the Town was applying for grant funds to pay for the new ground water study.

#### **b. Discussion regarding an Ordinance allowing exceptions; ie: incentives.**

Mayor Densley explained that the Council had previously discussed possibly amending Town Ordinances to allow certain circumstances that they could grant an exception. Council Member Jean Krause stated it was not necessary anymore. Council Member Bill Adams stated that the issue had

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

been over come by events and that incentives and requirements could be placed in the Conditional Use Permits. Mayor Densley stated, that the item could fall by the wayside.

Mayor Densley reported that he was still working on the new dumpster sight off the new Kolob 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**

Larry Amodt gave the Invocation. Council Member Bill Adams led the Pledge of Allegiance.

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

Council Member Jean Krause stated that she had a conflict with item number 7, the hotel, because it impacted her view, but she felt she was able to be objective.

##### **4. Approval of Consent Agenda/Items may be handled as one Item:**

\* **September 24, 2014 draft minutes**

\* **September Invoices and Checks**

The Mayor reported that the minutes were not done, therefore, would need to be tabled. Council Member Bill Adams asked about the Dixie Clean and Sweep Invoice. Town Clerk, Monica Bowcutt reported it was the street sweeping done before the roads were oiled.

*Jean Krause moved to approve the September Invoices and Checks as presented. Bill Adams seconded the motion. No roll call vote was taken. The motion passed unanimously.*

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

**OLD BUSINESS/Action Items:**

**5. P&Z recommendation to Town Council for Denial regarding Item A:**

**Consideration and possible action on amending Chapter 22 of Virgin Uniform**

**Land and Use Ordinance, Highway Resort Zone (HRZ), to include:**

**1) Additional tax ID parcels that may apply for Highway Resort Zone and;**

**2) to add 2 additional Conditional Uses: a. Recreation Vehicle**

**Resort/Campground/Cabins, b. parks, Playgrounds, & Amenities (Incidental to Resort Property)**

Mayor Densley stated that there would be some mixed feelings after the meeting, but he assured the citizens that the decisions that would be made had been made with a lot of thought and consideration. He stated that he had spoken with the attorney regarding this item, who had suggested that neither a Master Plan Overlay or a Rezoning of the property was the best way to go. The solution that was proposed by the attorney was that the Town reject both items 5 and 6, but to move forward and expedite the introduction of a Recreational Vehicle Camping Zone. It would allow the Town to have more control over what goes in it and it would meet the request for the services. The Mayor recommend that the Council vote no on these two items, then ask the P&Z give a drafting for an ordinance to establish a Resort Camping Zone. The Mayor explained that when the Town did the Highway Resort Zone, the Resort Zone was done away with. It was the attorney's opinion to establish an RV Camping Resort Zone, which could be done quickly and give the most control. This would also make it so the Town would not have to amend the Resort Zone or Rezone the property.

Kason Smith stated that he was worried about two things: 1)that there was no time limitation and 2)who would be drafting that ordinance. He stated that he wished to have input on the ordinance, so it was something that he could overcome.

Mayor Densley replied that he would recommend that the Council have an Ordinance to review at the next Council Meeting, which meant that within sixty days the Council could vote on the motion. Steve

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

Masefield, P&Z Chair, stated that the Mayor had asked the P&Z to work on the lot size issue, which he had said was urgent. This new ordinance would require a public hearing and ordinances could not just be pulled out of thin air. Time was required to analyze and reflect on the public input. Chairman Masefield stated that the P&Z had to reflect the due process of the law. Mayor Densley stated that he had learned at a Utah League of Cities and Towns conference that the purpose of the public hearing was to collect input, but to also tell the citizens what the Town intended to do. The Mayor was willing to put these other items on the back burner and have another meeting if necessary. He stated that it was not fair to drag a project on and on. Council Member Jay Lee suggested using the old Resort Zone as a guideline. It was easier to amend than to create a new zone. Council Member Lee stated that everything was there, except the two additional uses the Munn property was asking for. Steve Masefield agreed, stating that it gave them something to work from, but there were only five commissioners, who were only volunteers. He stated that he would agree to do what they could, but he would not be held to that time frame. He stated he would not be held to committing his group to coming up with a new ordinance by the next meeting. He stated he would certainly try, but he would not commit. The Mayor agreed and stated that every effort should be made and a special meeting would be called if needed.

Council Member Jean Krause stated that it was not fair to the people who already owned property in Virgin, who had smaller lots. It was not fair to put them on the back burner for some project that was just coming. Council Member Danyale Blackmore stated that the Munn property had been to Town Council and P&Z several times asking. They were not saying 'it had to be done now'. They were saying 'we just have been here for five years trying to get this moved forward'. Council Member Blackmore asked how much longer do we prolong this? Are we going to drag it out another year? Steve Masefield stated that the Munn property came before the P&Z with a master plan overlay process requesting uses that were not permitted in the Town of Virgin. That Master plan over process was flawed to begin with. The Master plan over lay process clearly stated that you can only ask for uses that are defined as uses within the Town. The thing went silent for 18 months and then they came back

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

with the Highway Resort Zone proposal, which the Council was discussing. Th P&Z had done a lot of work to review that and find out what the implications were to the Town, so to say that they had been before the P&Z for five years, was wrong in the amount of time. The Munn property had been talking to us with proposals that did not meet code and did not follow the process that was stated. Now they were asking for a Highway Resort Zone process that would be a problem for the Town to adopt. He continued stating that the Council was saying that Munn property should not be delayed anymore. He agreed that they should not be delayed. He also stated that they had not been held up by P&Z. Mr. Masefield stated that the P&Z had worked with them as best they could and would continue to work to come up with a RV Camping Zone, but to ask the commission to do it in two weeks was unreasonable and unfair, however, the commission could do it within six. He felt that doing it faster did a disservice to the citizens of Virgin. Mayor Densley stated that his suggestions were a result of the discussions with the Town attorney, who stated that it was not setting a precedence, was the cleanest way, the easiest way and prevented problems down the road. The Mayor stated that the Council would do what they could to not drag this on another year or two.

Lori Rose stated that she applauded the comments the P&Z chairman had made, with an ordinance being able to be written in the rough estimate of six weeks. This would include a public hearing with the citizens having adequate comment time. Because the P&Z was before the general plan process, it would also allow them to have the input necessary to complete the general plan update. The Mayor replied that it was not a new thing and had many comments from many citizens.

***Jean Krause made motion that the Town Council deny the request to add tax ID parcels to the Highway Resort Zone as requested by the Munn Property representative. Bruce Densley seconded the motion. Vote on Motion: Jean Krause-Aye, Danyale Blackmore-Nay, Mayor Bruce Densley-Aye, Jay Lee-Nay, and Bill Adams-Nay. The motion failed.***

***Bill Adams made a motion to approve the request to amend Chapter 22 of the VLU Highway***

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

*Resort Zone to include additional tax ID parcels, that had been indicated but are not here and to add two additional conditional uses to that ordinance. A-recreationl vehicle resort, campgrounds and cablins and B-parks, playground and amenities. Jay Lee seconded the motion.*

Council Member Jean Krause asked to amend the motion. Bill Adams stated that there was a first and a second, a vote was needed. She could make another motion after the vote, if she wished. He also stated that he did not want his motion amended. Jay Lee called for the question.

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

Council Member Jean Krause attempted to amend the motion. The Council stated that the motion had passed and no amendment could be made. Council Member Jean Krause then stated that she wished to make a new motion. The Mayor stated that the item was done and no motions could be made.

Danyale Blackmore stated that the vote was only a zone change and the applicant still had to be held to the same high standards. Mike Crawford stated from the back of the room that he felt the Council would do the same thing that was just done. Other inaudible interruptions and discussions followed from the back of the room. Mayor Densley called for order and informed people that if further disruptions happened he would ask them to leave. Council Member Danyale Blackmore continued that the Munn property would have to follow the ordinances. If they did not do the very best, she would not accept it.

**6. P&Z recommendation to Town Council for Denial regarding item B:**

**Consideration and possible action on a Zone Change from Rural Residential (RR) to Highway Resort Zone (HRZ) for portions Duane L. & Susan K. Munn property**

## FINAL MINUTES

### VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, October 22, 2014

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

#### located at and around 393 West SR9, Virgin, UT.

Council Member Jean Krause stated that the Council already knew from their talk with the attorney that the item was a moot point now, because by putting the tax parcels in the Resort Zone there was no need for a zone change request. Council Member Bill Adams rebutted that the highway resort zone did not have those uses and the Munn property was asking for their property to go into that zone. Council Member Jay Lee stated they it allowed them to start the process. He also stated that the Council could still vote on the item because it was on the agenda.

*Bill Adams moved to approve the consideration and possible action on a Zone Change from Rural Residential (RR) to Highway Resort Zone (HRZ) for portions of the Duane & Susan Munn property located at and around 393 West SR9, Virgin, Ut. Jay Lee seconded the motion. Vote on the motion: Bill Adams-Aye, Jay Lee-Aye, Jean Krause-nay, Danyale Blackmore-Aye, and Mayor Bruce Densley-Nay. The motion passed.*

7. P&Z recommendation to Town Council for Approval with conditions regarding an amendment to the current Ch. 22.8.3 HRZ MAXIMUM BUILDING SIZE (currently reads) “In no case shall any one building exceed 20,000 square feet.” new version-With the intention of setting a new upper limit for Hotel Design, subject to design constraints.

Council Member Jean Krause stated that she had taken the wording straight from what the attorney had said. He had said that since P&Z had recommended the approval to go to 41,000 square feet for Ferber’s building, they should put some conditions on it. The P&Z was concerned about how to properly do that. She reported that the attorney had recommended the cleanest way to amend the ordinance to allow a larger building size, was with conditions. In his opinion, he said we should have the developer sign a separate development agreement where the conditions can be placed.

Mike Crawford exited the building displaying anger. There was a general feeling of animosity. Mike

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

re-entered a short time later.

Mayor Densley stated the concern was that the Town might be opening the door for a hotel of any size to come in. This way the Town retained control over it and it would still continue to read 20,000 square feet.

Council Member Jean Krause explained that Section 22.8.3 would be amended (by adding a sentence) to read: The Town may consider expansion of the building size up to 45,000 (number by attorney) square feet, with the approval of Town Council and with conditions as set form in a separate development agreement that will be recorded against the property.” Mayor Densley felt the clause should also be added “and subject to design constraints”. Council Member Jean Krause stated that the clause would be put in the separate development agreement.

Council Member Bill Adams suggested that the amendment be tabled and then be brought back with the correct wording. Council Member Jay Lee stated he had not seen any of the wording, but he liked how it sounded.

Mayor Densley stated that the concern was that if the Town allowed a larger one, the developer could turn around and subdivide his property and then put another large building on the same property. Wording it this way, the Town could maintain control and not allow that to happen. Council Member Jean Krause further explained that the Town would be able to put in the separate agreement the fact that the developer could not subdivide the land and also all the design constraints the P&Z was worried about. She confirmed that Stu Ferber had already stated he did not have a problem with the approach.

***Jean Krause moved to table item number 7, which was about the amendment to Chapter 22.8.3 maximum building size in the Highway Resort Zone, until next month. Bill Adams seconded the motion. No roll call vote was taken. The motion passed unanimously.***

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

#### **8. Possible Changes to Water Rates-suggestions from Terry Smith of Rural Water.**

Mayor Densley explained that the Town people were not paying enough for the water they were using, so the Town was going in the hole. Council Member Jay Lee asked if the Council knew how much the General Fund had been supporting the Water Fund. Council Member Jean Krause answered that about a year ago, Curtis Ludvigson had given that information to the Town, but she could not remember the exact amount without looking it up. Mayor Densley stated that the Town needed to have a total income of \$230,000 a year, and they had been falling substantially short. He explained that the Council had put together three possible solutions to the problem. They had set up a base rate for water and then the user paid for the amount of water used. One solution would be setting a base rate of \$35 a month, the second, a base rate of \$40 a month, and a third, a base rate of \$45 a month. This base rate did not give any water with it. The first tier would be \$1 per 1,000 gallons between 0-8,000 gallons. The second tier would be \$2 per 1,000 gallons between 8,000-15,000 gallons. The third tier would be \$3.50 per 1,000 gallons over 15,000 gallons. This would bring the Town to an annual revenue to \$214,000, which was short of the \$230,000.

Sean Amodt asked what the water usage or amount charged from the Town was. He asked if that number had been subtracted out of the total that we were trying to come up with. He felt that the Town's usage should be taken out of the General Fund. After that number was subtracted out, it would give an actual total amount needed.

Mayor Densley stated that the Council would like to implement the charge increase by January, 2015. He asked for public input. Council Member Jay Lee stated that people who used little water would actually pay less than now. The Mayor mentioned the Coal Pits property that would be available to sell, if needed. He also stated that the Town would have a bond that would be paid off in about 18 months, which money could be used to repair the water tank.

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

Moncia Bowcutt, Town Clerk, stated that the tier system encouraged water conservation because you pay for what you use. Mayor Densley agreed. He also stated that the Council could adjust the tiers or amounts, if they felt it would be better. He stated that the commercial base rates would also increase. Council Member Jay Lee thought that the commercial usage rates should also go up.

Cindy Escude stated that she agreed there should be a base rate that was the same for everybody because it costs a certain amount of money to run the water system. She wanted to included start up, closure, upgrades, and repairs in the base rate. Mayor Densley stated that these rates would bring the Town up to these numbers. She again stated that the base rate should include enough money to pay for repairs and upgrades. Council Member Bill Adams stated that the older and lower income people in Town could not afford to pay for water if it was set up that way. Council Member Jean Krause stated that the Water Conservancy District constantly changes what they charge the Town for water.

Council Member Jay Lee explained that the Town must come up with \$230,000 a year to cover all the things we need to cover. This just gave different scenarios that we can use to come up with that amount. It has always been that if you use more water, then you pay more for it. The base rate can be kept down to help those that don't use much water, but that does not help those families that have large families or have to use water to keep their lawn green.

Council Member Jean Krause recommended that the Town increase the rates in phases. She suggested starting off next year, with the \$35 base rate, which would not get the Town up to the \$230,000, but would help get us out of the hole. The next year we go to the next base rate, which was \$40. By the third year we go up the last rate, putting the Town where we needed to be. Council Member Bill Adams felt that the gallons used would be the big shock for the large water users. He felt that the Town should do it just as Jean suggested, but instead do tier one and two the first year and add the third tier the second year. This would mean that tier one would be 0-8,000 gallons and tier two would be anything over 8,000 gallons. Council Member Jay Lee suggested raising tier one to 0-10,000 gallons

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

for \$1 for every 1,000. That would mean tier two would be 10,000 gallons and up. Then the second year would be 10,000 or more, but it would be \$3.50 per gallon. The Council agreed that this system would discourage excess usage.

Mayor Densley stated that the Town now had a very low delinquency rate.

Council Member Danyale Blackmore reminded the Council that they had talked about adding a farm rate for those who had to water livestock. Council Member Jean Krause stated that she would speak to Terry Smith about the issue. Monica Bowcutt, Town Clerk, stated that Mr. Smith had wondered how the Town was going to implement that, how they would keep track of it, and how much they would charge.

#### **COUNCIL COMMENTS:**

No comments were made.

#### **OPEN FORUM:**

– Larry Amodt stated that the addresses in Town were not recognized on any GPS system and emergency vehicles. Fed Ex and UPS did not recognize addresses and deliver packages because of the address problem. He suggested that perhaps the fire department would know how to solve it. With the help of the citizens in the room sharing personal experiences, it was discovered that the entire Town had the problem. Larry informed the Town that they were the only Town in the State of Utah that had the even numbered houses on the left hand side of the street, and the odd numbers on the right. Mayor Densley stated he would speak to the Fire Chief on the issue. Larry Amodt then stated that several years ago several people had donated money to install a speaker system in the office. He stated that people in the back could not hear the comments made. He stated that the money that was donated should be used to put sound throughout the entire room. Adele Pincock stated that she had been told that the residents did not get UPS/FED EX deliveries because the Town was on a PO Box system. Lori

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

Rose stated that the DMV/government agencies automatically switched us to Springdale.

– Lori Rose stated that she was appreciative of the Council working so diligently on the question of water rates. She asked that they exercise that same concern and caution with the issue of waste water. She gave an example of her mother who lived in a community of 13,000, who were just forced to go on sewer. She stated that not including the price she had to pay to take it from the street to her house, she had to pay \$45,000. It was an enormous issue that must be addressed. The question of water bills was reduced greatly by the actual potential impact if we are forced to go on sewers. Mayor Densley stated that he was hoping the Town would get a favorable water study. He also reported that Council Member Jean Krause was going to pursue the issue with all diligence.

– Adele Pincock stated that she was disturbed about the vote the Council made about the zone change. The reason was that the P&Z had nine pages of findings and the Council had some legal advice, but she did not hear any discussion about the findings or advice. She felt the Council had violated the public's trust and lost credibility. The word on the street had been that it didn't matter what the P&Z did, the Town Council would go ahead and approve the zone no matter what. She stated that she had tried not to believe that and she had a lot of faith and hope, especially after the P&Z made so much effort to be really thoughtful to the public comments and the zoning as it exists. She felt the Council had damaged the public trust. She stated that she was not the only one that felt that way because of some of the reactions. She stated that the other thing that bothered her tonight was that Bill Adams and Bruce Densley got after the Planning Commission to hurry and make a vote on the building size in the Highway Resort Zone. She reported that the P&Z ended up calling a special meeting and then the item was tabled. Its hard to believe that you are not just looking after the special interest of individual land owners. You made it very clear tonight. You completely ignored the P&Z findings with no explanation as to why. She asked if the Council had to make findings with motions like the PZ does. Mayor Densley stated no. Heated discussion followed, with the Mayor calling the room back to order.

## FINAL MINUTES

### **VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

– John Ely stated that the Mayor had stated he would look into the issue of how to re-route the culvert. He stated that the issue needed to be addressed. He reminded the Council that he had been talking about culverts for two years. He acknowledged that he was talking about a different one, but he was not getting any answers and felt he deserved an answer. The culvert he was talking about was the one that flooded. Mayor Densley stated that he would talk to the engineer and UDOT again, but the consensus had been that you caused the problem by plugging off the culvert. Council Member Jay Lee suggest John Ely look up Utah Government Immunity Act. Mayor Densley explained that in essence it said that the Town is not liable in the course of regular duty. Jay Lee added that it did not mean the Town was not going help with manual labor and volunteers. John Ely stated that because the natural wash had been filled in, there was no place to reroute it too.

– Kathy Kelly stated that Bob Kelly could not be present tonight, but he had written a letter in support of the P&Z and their findings, reviews, and reasons. She stated that she felt the same, as did other people present. They felt that the Council over rode the P&Z dramatically. She stated that she guessed it was the end of the line because they had to go along with it. She stated she would like to submit the letter to each of the Council and it was not a derogatory letter. It just explained how they felt about the P&Z and the good job they do.

– Matthew Spendlove thanked the Council for the way they voted on the Munn property tonight. He stated that he agreed 100% as a landowner. He believed landowners had some rights, and he appreciated the way the Council voted.

– Cindy Escude stated that she had empathy for John Ely because he had been asking for something to be figured out with the culverts before something bad happened. Now that something bad had happened, the Town said “we can’t help you”. Mayor Densley stated that the culvert that John had been asking about had handled the storm fine. He was now talking about a different culvert. John Ely stated that the culvert had been bypassed on the other side of the road, so he did not cause the problem.

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, October 22, 2014**

**Work Session at 6:30 pm**

**Regular Meeting at 7:00 pm**

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

Mr. Ely stated that to say that he caused the problem because he blocked it on his side of the road was an inaccurate comment. During the storm the bypass pipe was not handling the water. The water found its way into the culvert. As it flowed through the 24 inch pipe, it pressurized, and blew its way up. Water finds the path of least resistance. Burying the pipe on his side had nothing to do with the failing. Mayor Densley stated that the culvert was open on the other side. There were two systems on the north side. There were three culverts that UDOT would not allow to be closed off. The culvert was open on the North end, water was going to come through there. John Ely stated that there had to be something done with it. Monica Bowcutt wondered if she could include asking for volunteers to reduce his costs in the next email. He answered he would need shovels when he moved the culvert, but he needed to know where to put the pipe.

**9. Approve Motion to Adjourn Public Meeting**

*Jay Lee moved to adjourn the Public Meeting. Bill Adams seconded the motion. No roll call vote was taken. The motion passed unanimously.*

The Meeting adjourned at 8:20 pm.

---

Monica Bowcutt

Town Clerk

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