

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

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
 Cindy A. Escude Ron Smith
 Cimarron Chacon Steve Masefield
 Linda Collet Adele Pincock
 Kason Smith Lee Ballard
 Darcey Spendlove Roy A. Bullock
 Sean Amodt Ken Cornelius
 Lyman Everett Chuck Matslor
 Jeff Morby Darrel Stubbs
 Mark Savee Matthew Spendlove
 Debie Cottam (Stubbs) Erik Landaker
 Jesse Lewis unkown signature

A. WORK MEETING/Non-Action Items:

The Work Meeting began at 6:30 pm.

a. Kolob Road update, Old Church update and Open House for Heritage Town Park.

Mayor Densley stated that the Kolob Road would be completed by March, but the weather would determine the exact date. He then stated that the Heritage Town Square would be completed and turned over to the Town in two weeks. He suggested that the Town hold an open house for residents to see the renovation and new building. Shirlene Hall, Old Church Committee Chair, suggested that the open house be held after the landscaping was done. Mayor Densley stated that he did not want to wait until fall. He wanted to start renting the building now and was hoping to have the paving around the square done by the open house. The Council agreed to hold the March 25 Town Council meeting in the Old Church and to hold the open house on February 28, 2015 from 1:00 to 3:00 pm.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

b. Darrell Stubbs-Offer to put recycle binnies on his property-corner of Highway 9 and Mill Street.

Darrell Stubbs stated that he was in charge of his dad's property located on the highway. He had spoken to Sean Amoldt, who had suggested that perhaps that town would like to put the recycling binnies on his property until the new dumpster site was finished. Mr. Stubbs also stated that perhaps the Town would like to trade some of their property at a different location for the property along the highway. The Mayor stated that it was the first he had heard of the land swap and it would have to be discussed another time. The Council discussed putting the binnies on the Stubbs property. Council Members Jean Krause and Danyale Blackmore and Mayor Densley did not want them located on the highway. Council Members Jay Lee and Bill Adams felt that a wall or shrubs could be used to cover them up. Mayor Densley suggested that the binnies should be relocated into town when the new dump site was built, but Mr. Stubbs property was not the right location.

c. Discuss credit card payment options.

Town Clerk, Monica Bowcutt, stated that she had been researching the different options that were available for online payment. She reported that the biggest share of towns use Express, but Virgin would have to use it with Caselle. The Town no longer had a contract with Caselle and they required that a module be purchased for \$7,500. Other options were ACH debits and Paypal. Monica Bowcutt reported that she had called Zions Bank and found that the town would have to pay a monthly service fee of \$40. Zions was supposed to get her all the information, but had failed to do so. Square Space was also discussed and the downfalls of the program. Council Member Jay Lee clarified that the customers would be charged a percentage, not the town. Monica Bowcutt, Town Clerk, explained that many citizens had asked for a credit card payment option, especially now that the monthly water bill would be a different amount each month. Citizens did not want to write a check or come into the office. They wanted to pay the bill online. The Council agreed that more research was needed before a decision could be made.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

d. Discuss meeting minutes and how detailed we want them with recordings being available.

Mayor Densley stated that most entities did not have so much detail in their minutes. Legally minutes could be a summary and the recordings were always available to listen to. Council Member Jean Krause stated that according state code, all that was needed was who made the motion and what the vote was, although, citizens who spoke must be named and what they said included. She was in favor of reducing the minutes to a summary. Council Members Danyale Blackmore and Jay Lee liked the detailed minutes. Council Member Bill Adams stated that the town should be in compliance to State Code.

Adele Pincock suggested that something beyond a small summary was very helpful to the public. People were generally not willing to come in and listen to a two hour, or more, meeting.

Linda Collet asked if the Town had ever lost recordings of minutes. Monica Bowcutt, Town Clerk, stated that she did not know where to find a lot of recordings from years ago.

Cindy Escude stated that citizens could not always make the meetings. She felt that the last few months the open communication had been slowing closing. Reducing the minutes would only add to the communication closing more and more.

Mayor Densley stated that a decision did not need to be made by motion because it was a work meeting.

e. Cimarron Chacon-Discussion of fees for Frog Hollow Event.

Ms. Chacon reviewed the two races from the past year. She explained that it was the first year splitting the races and she felt it was a positive change. She reported that there were no problems with the road closure signs or dust. There were about 500 participants overall, for both races. She reminded the

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

Council that the town had allowed her to pay for the events together in 2014, \$500 for fees, \$50 application fee, and \$500 deposit. The Mayor expressed concern that the events were handled together and felt they should be handled separately, but it could be worked out. He asked her to talk about the details with Monica Bowcutt, Town Clerk. There were no complaints from citizens that the Council was aware of.

f. Rod Mills-preliminary discussion on waste water study.

Mayor Densley stated that the allotted work meeting time was over, so the preliminary discussion with Rod Mills would be moved to the Regular Agenda, item 6.

B. REGULAR MEETING/Action Items:

1. Call to Order-Mayor Bruce Densley

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

No Conflicts of Interest were disclosed.

Mayor Densley stated that he would like to clarify that Council Member Jean Krause was a member of the California State Bar, had a bachelors and master's degree and a Doctorate of Law Degree. She was presently working to obtain her Master's in Public Administration at SUU.

Council Member Jean Krause stated that someone in town had been saying that she was behind the referendum, she was not a real attorney, attended an online school, and was not qualified to be a

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

paralegal. She stated that she would pursue legal action if she heard anymore of these slurs, because they were absolutely untrue. The statements were also contradictory.

CONSENT AGENDA: Items 4 and 5

4. Review with possible approval of December 17, 2014 draft minutes.

Council Member Jay Lee stated that the agenda was incorrect, stating the consent agenda was items 4, 5, and 6. Mayor Densley stated that he had reviewed the minutes and made grammatical changes.

5. Review with possible approval of December 2014 Invoice and Checks.

The Council discussed the payments to Savage and Esplin and Bingham and Snow.

Jean Krause moved to approve the Consent Agenda. Bill Adams gave the second. No roll call vote was taken. Danyale Blackmore abstained. The motion passed.

New Business

6. Rod Mills-Present Grant Application, with possible vote to authorize the Mayor to sign application.

Rod Mills stated that he was working with the Department of Environmental Quality including the director of engineering, the district engineer and the officer that would be in charge of reviewing the loan/grant applications. These were State offices, not Federal. These departments had indicated that they would prefer to do a loan, but Mr. Mills had told them the town had no sewer system, therefore, did not charge any waste water fees, so they did not have the ability to pay back a loan. The town would be applying for a grant. Mr. Mills reported that he had done some preliminary estimates on the population equivalents, finding the town was standing at about 1,313. Population equivalents was a good starting point, but to get a better idea, septic tank functions, septic systems, their location and size, plus the chemistry in the river would have to be evaluated. The population equivalents information was beneficial to show the state that the town needed some help and perhaps raise a flag to the town

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

that things really needed to be looked into.

Mr. Mills and the Council reviewed the actual grant application. He stated that the Town was not obligated to pay him until a grant was received. For the application, he had identified that there was a clear monetary need because there was development interest, population equivalents, the existing study was 15 years old, and the town was not prepared to take on more financial obligation. Mr. Mills asked if the town could make any monetary contribution to the grant. The Council stated that the only money that would be available would be from the general fund, but they did not want to use it.

Mr. Mills clarified that he had set an estimated finished study by April 30, 2015. He had estimated that the values of approved studies in the area ranged from \$25,000 to \$68,000. Virgin Town's study will be on the low end because some data was still applicable from the old study. There was very specific requirements for how the study should be prepared and there would be an analysis to look at a broad spectrum of options available to solve the sewer problems looking far into the future.

The Council discussed the population equivalent numbers that had been calculated by Council Members Krause and Planning and Zoning Chairman Steve Masfield and the new numbers that Rod Mills had come up with. Council Member Blackmore felt that these were just estimates and fear based. Council Member Adams stated that the study would have a recommendation, but the town did not have to do what was recommended. Mr. Mills clarified that it would be a recommendation based on the analysis that had been done, to give a road map in order to move forward on how the town was going to handle waste water for the next twenty-something years.

Steve Masfield, Planning and Zoning Chairman, stated that the town must follow some guidelines from the departments of the state, in order to proceed with certain things. He wondered how much latitude the town had once the study was done in order to dictate the town's own study. Rod Mills stated the town had great latitude in terms of the study.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

Rod Mills explained that he had some ideas on what type of sewer system would be economically feasible. He felt that starting with the commercial areas would be the best idea. The Department of Health, etc. would have jurisdiction on what actually happened with the town.

Kason Smith stated that the Department of Health, along with four other agencies regulated the developments that wanted to come in. The town did not have to worry about those types of issues, because the state agencies would take care of it.

Council Danyale Blackmore felt that the RV park and the hotel wanting to come into town had spurred the discussion of waste water. She reminded the Council that if a sewer system did have to come into town, it would open the town up to more growth and development.

Steve Masefield clarified that every household would have an immediate \$42 per month charge, plus the connection fees, which would depend on where the home was located, which would be anywhere from \$5,000 to \$10,000. Council Member Bill Adams felt it was too early to have those types of discussions.

Council Member Jay Lee stated that the 1,313 population equivalents was just looking at projections. The old study was saying if the town went to a pop of 1,200 people, with all those sewers going into the river, the number was the benchmark to have a new study. The Council discussed not having many bore holes done, but soil evaluations would be done. Council Member Jean Krause stated that Paul Wright had said there was a certain number that was the point at which all development stopped until a sewer system was installed.

Monte Lutz asked if the grant application was a slam dunk. Mr. Mills answered that the town would be received favorably, but nothing was guaranteed. He was doing the application(s) at a risk of not getting

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

paid unless they were approved.

Bill Adams moved to authorize the Mayor to sign the application to instruct Rod Mills to continue with the application from the Department of Environment Quality. Jean Krause gave the second. No roll call vote was taken. The motion passed unanimously.

7. Discussion of information presented by Rod Mill and possible vote on Proposed Moratorium-Ordinance #2015-012815 A Temporary Ordinance Imposing a six month Moratorium on sites beyond those already paying for standby water connections in Virgin, Utah.

The Council discussed projects that were on the horizon which would be affected by the moratorium. The Council agreed that the moratorium was not needed at the present time. They agreed to table it indefinitely because they could issue a moratorium within 24 hours if needed.

Bill Adams moved to table item number 7, a Temporary Ordinance imposing a six month moratorium indefinitely. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

8. Discussion with possible vote regarding holding a Special Election in June, 2015 for the Referendum.

The Council discussed the possibility of holding a special election on the 4th Tuesday in June, to vote on the referendum. Council Member Jean Krause stated that she did not believe it was enough time for citizens to digest the results of the waste water study and make an informed decision before voting on the referendum. The Council discussed that if the referendum failed and the RV park went in, then later on if the study showed that no more developments could come in, there would be a lot of unhappy people in town. The discussion escalated discussing whether the referendum was about the zone change or the RV park. Danyale Blackmore felt the election should be held in June.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

Cindy Escude asked what the cost (financial or human) would be to have the special election for one item. Monica Bowcutt, Town Clerk, stated it would be around \$1,000, which the town would pay for. Cindy Escude stated that the developer should pay for the special election, not the town.

Ken Cornelius pointed out that the waste water study was just a recommendation, not a requirement, so the State would have the final say.

Linda Collet asked if the budget had \$1,000. Bill Adams stated that she had a right to petition for a referendum and the town had to pay for it. She stated that the town was in trouble financially and the Council was having the special election to satisfy a proponent of a big development. Bill Adams answered that the town was having a special election to satisfy those who put up the referendum. Mrs. Collet stated that she did not want to see other things bail the town out financially, when it should not be in trouble in the first place.

Steve Masefield stated that the Munn property application precipitated the ordinance change that the Council approved. The referendum was to appeal the ordinance that was made. It was not to do with the Munn development. People should not be using the Munn development in the same sentence as the ordinance change. The main issue was not just the Munn development going in, if the ordinance stood then anyone, because of precedence, would be able to rezone their property highway resort and do another RV park. The Munn property was a side issue which would be decided later on. The Mayor agreed that the referendum was only to decide if the rezone should stand or not. Mr. Masefield stated that it seemed holding a special election was driven by the fact that the Munn property people had been turned down, or put on hold. By going early they would get a clarification on their request.

Ron Smith asked at what point the population was able to be educated.

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

Bill Adams moved to hold the special election in June, 2015, with the specific date to be determined by the Attorney General's office for the referendum. Jay Lee gave the second. Vote on motion: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krasue-No, Jay Lee-Aye and Mayor Bruce Densley-Aye. The motion passed.

9. Appointment of new Planning and Zoning Commissioner.

Mayor Densley thanked Dean Woods for his service on the Planning and Zoning. Mr. Woods had resigned because of his work schedule.

Mayor Bruce Densley moved to appoint Matt Spendlove to the Planning and Zoning Commission. Bill Adams gave the second. No roll call vote was taken. The motion passed unanimously.

10. Rental Fees for Heritage Town Square (Old Church).

The Mayor suggest having one fee for residents and a separate fee for non residents.

Cindy Escude stated that the town should look to make money on the Square because money had been put into it. Council Member Jean Krause agreed, stating that the town had taken a loan out to pay for the building.

Linda Collet asked what the loan payment was. The Council did not know. Linda Collet then asked who cleaned the church. The Mayor replied that it had not be determined.

Adele Pincock suggested charging a non refundable deposit to help cover the clean up fee or perhaps a sliding scale.

Darcey Spendlove suggested that girl scout troops and other community based groups not be required

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

to pay the fee. The Council agreed.

An unnamed person suggested that the Square should be competitive with surrounding towns, in order to get more business.

Jean Krause made a motion to approve the rental fees for Heritage Town Square as: Non-Residents \$100 for the use of the church, \$50 for the use of the kitchen, plus a \$150 refundable deposit. Residents \$75 for the use of the church, \$25 for the use of the kitchen, plus a \$100 refundable deposit. These fees will include the use of the chairs and tables with the renter setting up and taking down. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

Town Clerk, Monica Bowcutt, swore Matt Spendlove in as a Planning and Zoning Commission Member.

OPEN FORUM:

– Mark Savee read a letter addressed to the Town Council. He expressed appreciation to the Council for what the Council members bring to their office, but he he did not always see eye-to-eye and he had a concern about propriety. He sighted three examples of misunderstanding or miscommunication. 1) A man introduced his wife, Stephanie. Later, Mr. Savee learned that her name was Stafeen. He asked if this was an outright lie or a misunderstanding. 2) Transcribing the December Council Meeting minutes quoting Bill Adams, the word 'many' was substituted for the words 'a number of'. Mr. Savee asked if this was a translating error or a lie. 3) A friend had invited Mr. Savee to the Zion Sunset Resort open house stating that a self-contained sewer system was intended. Mr. Savee learned he meant a sewage treatment system or septic system. Mr. Savee asked if this was a translating error or should he accuse his friend of lying. He then reported that according to the web, the average adult listening grade level in the U.S. was probably 1st grade or lower. Mr. Savee stated that Mayor Densley said last meeting

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

that outright lies were told to get people to sign the recent referendum petition. Mr. Savee continued that he was a sponsor of the referendum and his fellow sponsors were intelligent, responsible, and honest people. They had found more than enough valid reasons to challenge the new rezoning ordinance without having to resort to fiction. He suggested that the petitioners were not responsible for the average adult's listening skills, listening errors, or translating errors. Mr. Savee asked Mayor Densley if it was appropriate to make an insulting public accusation of outright lies, based on second-hand information. He asked the Mayor to make an apology to the referendum petitioners.

– Kason Smith asked if the referendum newsletter was a town function or activity and if not, who was behind it. Bill Adams answered that it was stated very clearly in the referendum newsletter that it was the sole responsibility of those sponsoring the referendum, not the town. Mr. Smith then asked who was sponsoring the referendum and newsletter. Mayor Densley stated that it was stated in the referendum newsletter and now was not the time to discuss the matter.

– Adele Pincock invited Kason Smith to send an email to virginreferendum@gmail.com to be added to the newsletter distribution list. She stated that mostly just residents received it in their mailbox.

– Sean Amodt thanked the Council for taking on the hot topic issues, which had created a lot of involvement in the town.

COUNCIL COMMENTS:

– Jean Krause stated that she had spoken to the five referendum sponsors and put together a chart showing their concerns. She also stated that she would do the same thing regarding the signatures if the Council wanted her to.

– Danyale Blackmore stated that as she read through the minutes from last meeting, she was very concerned and disappointed about the comments that had been made regarding the lies. She continued that she was not necessarily pro development or not, but she believed development needed to be held to

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

strict rules and town approval. If there were lies and deceit, as a developer, she would find out who did that, where they were at, who specifically said it, and go to every single one of the 114 signatures and find out the truth. She asked that the citizens who were lied to and deceived stand up and say what happened.

– Mayor Bruce Densley stated that he did not have a problem with the referendum because it was the way things were done in America, but what troubled him was that some of the people were told untruths. Since the last meeting he had spoken to individuals who were specifically told that if this rezone went through, their property would be rezoned and they could no longer live in their home. The Mayor stated that he had talked to more than one citizen in town who told him that the person who brought them the petition stated those things. He continued that maybe he should not say a lie, perhaps an intense fabrication would be better. He expressed that to him, something like that was a lie. The Mayor stated that he had no problem the issue going to the people, but he just wanted them to have the facts. He stated that perhaps the information was presented in bias way, but he did know what else to call it but an outright lie. He stated that he would stand by his statement. The citizens would decide the issues. He just wanted the citizens to have the facts in an honest up front way. He asked citizens to get educated and vote on the facts.

Cindy Escude stated that when she signed the petition, there was a written document for her to read, no statement was made.

C. ADJOURN PUBLIC MEETING:

13. Approve Motion to Adjourn Public Meeting.

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

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, January 28, 2015

Work Session at 6:30 pm Regular Meeting at 7:00 pm
Virgin Town Office, 114 So. Mill Street, Virgin, Utah

The Meeting adjourned at 8:21 pm.

Monica Bowcutt
Town Clerk

Approved: _____