

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, February 25, 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
Linda Collet
Cindy A. Escude
Bonnie Timmerman
Monte Lutz
Robin Clark
Matthew Spendlove
Chuck Matsler
Jed Stout
Ryan Lisonbee
Adele Pincock
Kason Smith
Darcey Spendlove
Chris Mahoney
Ron Smith
Sean Amodt
Ray Golatta
Sam Stout
Rod Mills

A. WORK MEETING/Non-Action Items:

The Work Meeting began at 6:30 pm.

Mayor Pro-Tem, Jean Krause, excused Mayor Bruce Densley stating that he was in Salt Lake City at the grant meeting for the waste water study. He had called and reported that the town had secured a 100% grant for the study. Rod Mills had also stated that he was going to begin the study within the week.

An email from Lori Rose was read in its entirety. It was concerning the back porch light on the newly renovated Old Church, which was being left on twenty four hours a day. The Council and citizens present discussed the issue. The Council agreed that the lights should be turned off completely or put on a movement detector. It was also agreed that Dennis, the contractor, should be contacted about the location of the switch. The email from Lori Rose is attached to the minutes.

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The Council will review the BMX Track Mission Statement and Policies, making sure nothing has been left out or is in need of change. If they had changes, the Council would let Monica Bowcutt, Town Clerk, know.

Mayor Pro-Tem Jean Krause reported that the Planning and Zoning Commission had discussed using the software Survey Monkey to conduct the General Plan Survey. She reported that she and Steve had played with the software and liked the program. Citizens would be able to print, send to email, and send to smart phones, etc. She stated that the Mayor had just wanted to make the Council aware of the possibility.

a. Discussion of coverage while Town Clerk is gone to training March 16-20.

Town Clerk, Monica Bowcutt, was attending a municipal clerk training in Salt Lake City. The Council discussed office coverage while she was gone. It was decided that Maintenance Supervisor, Chris Holm, could collect water bills and Accountant, Candus Tibbitts, would make a deposit. The Council agreed this would be sufficient coverage.

b. Discussion of De-annexation of Mesa Road.

Town Clerk, Monica Bowcutt, reported that the test facility had been calling the office asking for the road to be repaired. Council Member Jay Lee stated that town had collected B & C road funds on the road, which made them obligated to spend that money on the road, even if the road was de-annexed. He did not believe de-annexing would solve the problem. Council Member Danyale Blackmore stated that the money the town had collected was not enough to fix the road completely. She felt it might be better to let the road go back to the County and let them handle the repairs. She also suggested having Darren Cottam evaluate the road and tell the town how much it would cost to resurface it. The Council agreed that item needed to be revisited.

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c. Discussion of Property Trade with Darrell Stubbs.

The Council agreed that the Town was not interested in trading, furthermore, they did not know of any property that would be worth trading.

d. Discussion of Heritage Park restrictions: Same as Old Town Park, ie: no alcohol, curfew, hourly rate.

Mayor Pro-Tem Jean Krause stated that the Council needed to decide if Heritage Town Square should have the same rules as the Town Park, which were: there was a curfew (which was unknown) and no alcohol was allowed.

Chris Mahoney wondered what the reason was behind having a curfew. He stated there should always be a reason before a rule. The Council explained that it was residential area and further explained that they were talking about Heritage Town Square, not Pocketville Park.

Cindy Escude stated that she had had a question regarding quiet time/curfew in a neighborhood, so she had called the Police Department. They had reported that they could not find anything that was documented, so they were using Springdale's Ordinance, which was 10:00 am. Council Member Danyale Blackmore stated that there was something in the Desert Gardens CC&R's about a quiet time.

Mark Savee stated that as an adjacent neighbor to the Park, he would like to see an events curfew. The Council agreed that was what they were trying to decide.

Council Member Danayale Blackmore suggested the curfew run later on weekends, for events. She also suggested allowing alcohol for events, because people may want it that way.

The Council discussed an hourly rate to rent the building out. Mayor Pro-Tem Jean Krause stated that Springdale charged \$42 an hour, which she felt was too high for Heritage Town Square. Council

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Member Bill Adams suggested the item be brought back later for a decision

e. Discussion of Future uses of Pocketville Park.

Mayor Pro Tem, Jean Krause, explained that this item meant deciding if playground equipment, etc. should be added to Pocketville Park. She also stated that she really like the concept of having a Veterans meditation area, with fountains, benches, a flag, and names. Mr. Kaprigliano had send an email describing his concept, which she really liked, which was more of an adult park, as opposed to a kids park.

Council Member Danyale Blackmore stated that she had taken pictures of the Beaver and Cedar City veterans parks, which had benches and little secluded areas.

Council Member Jay Lee stated it was big area and there was room for both a veterans mediation area and playground equipment. Council Member Jean Krause stated that the veterans memorial would take up a lot of room.

Town Clerk, Monica Bowcutt, stated that several people had suggested the park should have a few gazebos, grass, and a veterans area. This would give the kids a place to play soccer, etc., but would not include toys for the kids.

Adele Pincock stated she thought Peter Stemple had drawn up plans for the park.

f. Discussion & review of ATV Rules.

Item was moved to the Regular Agenda.

g. Continue discussion of Credit Card payments of Town utilities.

Item was moved to the Regular Agenda.

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h. Discussion of Special Election, Town Response to Referendum & Ballot Language.

Item was moved to the Regular Agenda.

B. REGULAR MEETING/Action Items:

1. Call to Order-Mayor Bruce Densley

Mayor Pro-Tem Jean Krause called the meeting to order at 7:00 pm.

2. Invocation/Pledge of Allegiance

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

3. Declaration of Conflicts of Interest.

No Conflicts of Interest were disclosed.

Mayor Pro-Tem, Jean Krause, excused Mayor Bruce Densley stating that he was in Salt Lake City at the grant meeting for the waste water study. He had called and reported that the town had secured a 100% grant for the study. Rod Mills had also stated that he was going to begin the study within the week.

Work Meeting items continued:

f. Discussion & review of ATV Rules.

Council Member Jay Lee stated that the OHV Rules were very good and well written. He suggested that the rules be sent out with the water bills and newsletter, so the violators (and everyone) would know the law. The Ordinance also stated that parents are responsible for their children.

Mayor Pro Tem Jean Krause explained that there were kids riding really fast around the blocks in town,

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rather than going to a riding location. She stated the Police Chief, Kurt Wright, would like to start writing citations.

Mark Savee stated that there was a lot of ATV traffic along the river behind his house. He wondered if there was any regulations about ATV's in the riverbed. Jay Lee stated that it was all private property. Mark Savee stated that it was under the jurisdiction of the Army Corps of Engineers because they were tearing down the banks.

Monte Lutz stated some people in Virgin used ATV's for everyday transportation. He suggested that talking to people in a simple, kind way could go along way. He stated that the local kids had been very good after he had spoke to them.

g. Continue discussion of Credit Card payments of Town utilities.

Mayor Pro-Tem Jean Krause stated that many people had been asking for the option to pay their utility bill online. She reported that the town had received information from Zions Bank, Express Pay, and PayPal. She had printed out a chart of the price differences (which is included behind the minutes). Monica Bowcutt, Town Clerk, reported that about 30-40% of citizens were asking for online pay. Council Member Jay Lee clarified that the fees would be paid by the citizens, not the town.

Council Member Danyale Blackmore stated that she believed the town should stay local and use Zions Bank. She also stated that she had experienced PayPal not being very secure.

h. Discussion of Special Election, Town Response to Referendum, and Ballot Language.

Mayor Pro-Tem Jean Krause explained that the reason the Special Election was back on the agenda was because the Council did not vote on an official resolution to hold a special election. Council Member Bill Adams added that the Council now knew the correct wording and dates for the resolution.

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Mayor Pro-Tem Jean Krause explained that Mayor Bruce Densley thought that Council Member Jay Lee proposed that the Town Council do a response separate from the voter information pamphlet. Council Member Jay Lee clarified that the vote was about if the town acted legally when the zone change was passed. He also clarified that he was referring to the voter pamphlet when he had mentioned it and he thought that Bill Adams would be a good one person to write it.

Cindy Escude stated that her comments and the Council's answer during the January meeting, having to do with the cost of the special election, had not made it into the newsletter. Other citizens comments were also not included. She felt those types of the comments should be put into the newsletter so people were aware of the answers given.

The Council reviewed the ballot language of the Special Election, which had come from Heath Snow, Town Attorney. The Council and the sponsors had until the following Monday to suggest any changes to the ballot language. Then, the attorney decided if the changes should be made, or not. Finally, he would send the ballot language back to the Town and sponsors. If they still objected to the language, the matter would be brought before the Utah Supreme Court.

Mark Savee asked if there was a proposed title. Mayor Pro Tem, Jean Krause, explained that the entire document was the title. Council Member Bill Adams read the beginning of the document, which is included at the end of the minutes.

Chris Mahoney wondered if there was going to be opportunities for more information on the issue, because there seemed to be misinformation on both sides going around. He suggested an open house or open forum to get an understanding of who the involved parties are and why it was passed. Discussion followed about emails, newsletters, and thank you cards that Mr. Mahoney had received, although he was wanting more open dialog and a place to get more information. Council Member Bill Adams stated that Mr. Munn had held a luncheon some time ago and if Mr. Mahoney had not attended, then he

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had only received half the story. The American way was playing out with the Referendum process. Council Member Adams explained the entire Referendum process, including the public hearings and voter information packet.

Cindy Escude expressed her desire to have the 9 page findings available to the public and also the reasons the Town Council went against the Planning and Zoning recommendations.

Mayor Pro Tem, Jean Krause, stated that Fay Cope had sent an email to the Council, in which she asked Monica Bowcutt, Town Clerk, to read it. The Council discussed whether it should be read or not. Council Members Jay Lee and Danyale Blackmore did not believe the letter should be read. After discussion, Monica read the letter in its entirety. This letter is included behind the minutes.

Mayor Pro Tem stated that she was going to move the agenda around. She was going to move item number 7 Review Resolution #2015-022815-A Calling for a Special Election on June 23, 2015 for Referendum before the Consent Agenda. Council Member Jay Lee stated that he believed she had to get approval from the Council before jumping around the agenda. Mayor Pro Tem, Jean Krause, asked for approval to move the item. Jay Lee stated he did not have a problem with moving the item. Council Member Bill Adams and Danyale Blackmore agreed that it was fine.

7. Review Resolution #2015-022815-A Calling for a Special Election on June 23, 2015 for Referendum.

Chris Mahoney stated that he was still concerned about the money, but it appeared it had already been addressed.

Bill Adams made a motion to approve Resolution #2015-022815-A Calling for a Special Election on June 23, 2015 based on the Referendum.

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Jean Krause asked Council Member Bill Adams to begin his motion again because the Resolution number was listed differently on the actual resolution and the agenda.

Bill Adams moved to approve Resolution #15-022815-A Calling for a Special Election on June 23, 2015 for the Referendum. Danyale Blackmore gave the second. Roll Call Vote: Bill Adams-Aye, Danyale Blackmore-Aye, Jay Lee-Aye, and Mayor Pro Tem Jean Krause-Aye. The motion passed unanimously.

8. Curbside Recycling op out program and charges.

Mayor Pro Tem, Jean Krause, explained that Washington County Solid Waste had called the Town some time ago and asked thoughts about participating in curbside recycling. The Solid Waste District would like all of the towns to participate in the program so they had proposed three different options. The Council reviewed the three options in detail. The letter from the Solid Waste District is included behind the minutes. The Council stated that it would raise trash bills \$3.35 each month to participate. Council Member Bill Adams stated that he did not like the idea because it would be in direct competition with the binnie program, which gave the town a little money. He believed that the price would continue to go up, which will cost the citizens money. He thought option one would be the best for Virgin residents, because they could opt out if they wanted.

Cindy Escude asked if a separate company ran the binnie program. The Council replied that the material went to a separate facility to be processed.

Mark Savee asked if he would receive a separate bill if he remained in the program. The answer was no, because it would be added to the water bill.

Council Member Danyale Blackmore stated that she liked option one. It seemed quicker, easier and cleaner to give everyone an option. Council Member Jay Lee agreed.

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Adele Pincock asked if the binnies would just go away after the program began. The answer was unknown, although, Council Member Bill Adams thought they would have to.

Robin Clark stated that the binnies were very inconvenient. He thought more people would use them if they were in a more accessible place. He dropped his recycling items in the binnies in LaVerkin because it was easier. Council Member Bill Adams stated that the town was working on moving the binnies closer to the center of town.

Sean Amodt asked the Council to explain the current situation and also the new options from the Solid Waste District. Mayor Pro Tem, Jean Krause, stated that people could take items to the binnies, ask for a blue garbage can for \$8.00 a month, or not recycle. The Solid Waste District had give towns in the County three options for the residents to opt out, not the town.

Council Member Bill Adams stated that the recycling companies got Washington County to give these options, which pushes the binnie program out, which in return, makes these companies money. Danyale Blackmore stated that the program was just a way to get more people recycling, not a conspiracy of recycling companies.

Ray Golata asked what the frequency of pick up would be. The Council answered that it would be every other week. He then stated that option three would be the most flexible for residents. Mayor Pro Tem, Jean Krause, agreed, but that option one would be the most cost effective for the District.

Bill Adams moved to recommend Option One to town residents for recycling. Danyale Blackmore gave the seconded. No roll call vote was taken. The motion passed unanimously.

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4. CONSENT AGENDA: Items 5 and 6

5. Draft Minutes for January 28, 2015.

Council Member Jay Lee stated that the minutes in the newsletter were summary minutes, but the approved minutes were complete with comments and discussions. Darcey Spendlove could not put everything in the newsletter. No corrections were made to the minutes.

6. Checks and Invoices for January 2015.

Council Member Jay Lee asked why the town was paying Springdale for July, August and September. Ray Golata answered that Springdale bills quarterly, but the town writes a check for each month. Council Member Lee stated that Monica Bowcutt needed some assistance. He suggested that perhaps the payment of \$1,500 to Hinton, Burdick could be used to hire someone who would also be of assistance to Monica. Mayor Pro Tem Jean Krause stated that for what Candus Tibbits accomplishes each time she comes to the office, could not be done for \$1,500 by another person. She felt the price was a bargain for what Candus Tibbits does. Council Member Lee also asked about the Bingham, Snow bill. He questioned why the bill was high. Mayor Pro Tem Jean Krause also wondered if the bill had been duplicated. She also stated that she had printed a spreadsheet of how 2014 expenditures was broken down, line by line, and case by case. It was clarified that the town was involved in a lawsuit. Discussion followed as to when the lawsuit really began. Mayor Pro Tem, Jean Krause, explained her breakdown of the attorney's fees. That spreadsheet is found at the end of the minutes.

Jean Krause moved to approve the Consent Agenda which included the January 2015 draft minutes and the checks and invoice for January 2015. Bill Adams gave the second. Roll call vote: Bill Adams-Aye, Danyale Blackmore-Aye, Jay Lee-Aye on the draft minutes, but Abstain on the invoices and checks, Mayor Pro Tem Jean Krause-Aye. The motion passed.

OPEN FORUM:

– No comments were made.

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COUNCIL COMMENTS:

– Jay Lee handed out a report entitled: Planning Commission: One Attorney’s View, by David Church of the Utah League of Cities and Towns. This can be found at the end of the minutes. He went on to read parts of the report dealing with how the Planning Commission and Town Council do not always agree and the purpose of the Commission.

Council Member Lee read a personal statement about the town creating hardships for people with multiple ordinances and open space. He stated that the character of the town comes from the people, not open space and/or trees. The old character of the towns people was to live and let live and jump in help their neighbors with projects. He suggested that people should look for the good in proposals before the Council. He also suggested that in order to preserve the character of the town, it was going to take a change of heart.

– Rod Mills reported that the staff at the Department of Environmental Quality had recommended a loan, but because of the Mayor’s brief comments, the board had changed the recommendation to a grant. He was pleased that the grant went through as planned.

C. ADJOURN PUBLIC MEETING:

Approve Motion to Adjourn Public Meeting.

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

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The Meeting adjourned at 8:16 pm.

Monica Bowcutt

Town Clerk

Approved: _____