

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, July 22, 2015

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

Virgin Town Heritage Town Square, 114 So. Mill Street, Virgin, Utah

Present:

Council Members: Mayor, Bruce Densley
Danyale Blackmore
Bill Adams
Jean Krause
Jay Lee

Others: Monica Bowcutt, Town Clerk
Darcey Spendlove
Cindy Escude'
Bonnie Timmerman
Adele Pincock
Mark SaVee
Steve Masefield
Rod Mills
Darwin Hall
Shirlene Hall
Rosemary Marchi
Linda Collet
Sean Amodt

A. WORK MEETING/Non-Action Items:

Mayor Densley called the Work Meeting to order at 6:33 pm.

Mayor Densley stated that ongoing litigation had been resolved. The Town had been advised that the settlement terms regarding Confidentiality and Non-disclosure. He read the statement in its entirety: The parties hereby covenant and agree that neither they nor their agents, representatives, associates, employees, principals or officials will discuss or disclose any terms of the agreement unless compelled to do so by subpoena or other court order issued by a court having jurisdiction over the party. The parties agree and acknowledge that, upon any inquire from the public, the only acceptable response is that "the dispute has been resolved, and, other than that, I am not at liberty to discuss." He added that it was a settlement that all parties could live with.

a. Discussion regarding amending the current Fee Schedule.

Council Member Jean Krause stated that she had put some info together for the Council to

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review. She explained that she had made copies of the budget revenue under licenses and permits and parks, to show how much the budget had been increased because of the proposed fee increases. She also reported that a lot of the fees had been set in 1985, so they had not been raised in 30 years.

Council Member Krause stated that she would like to raise the building permit application fee to \$125, up from \$25. Council Member Danyale Blackmore stated she would like to see this fee based on square footage. The town would receive more money the more work they put in and it would be easier to keep track of. Council Member Krause stated that her objection to that was buildings that were not as valuable, such as a barn, would cost as much as a house to make an application. The Council discussed the details of charging by the square footage. It was brought out that the permit fee and the application fee were the same fee. One fee was charged for all, with receipts from the Water District and Ash Creek being brought in a packet. Council Member Bill Adams stated that he liked the flat fees, with only the permit fee based on square footage.

Town Clerk, Moncia Bowcutt, clarified that it was a \$25 application fee, then once the application was complete they paid \$200, \$25, and \$25, depending on the excavation, it could go up. After it was sent to Lance, who calculated the fee by the square footage, and then the builder was told what the fee was. Meaning the biggest portion of it was done by Lance and square footage.

The Council all agreed that they would feel more comfortable charging \$100 for the application fee.

The Council discussed the plan check fee. It was suggested that the fee be 25% of the permit

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fee. They discussed raising the fee and charging a flat rate of \$200.

The building inspector fee was discussed. It was stated that the fee was \$25 an inspection, with four inspections. Council Member Krause stated that the point was to raise the fees and only charging \$100 was not going to make the town any more revenue. It was suggested to increase the fee to \$250. Town Clerk, Monica Bowcutt stated that the Zoning Administrator fee had been raised to \$200 in May. Council Member Krause stated that the budget would not be balanced if the fee was only raised by \$50. The Council agreed that \$300 would be fine.

The Council discussed that the business license was \$25 and the animal license was \$10 and \$5. Council Member Jean Krause stated that she had gone back to the minutes in 2004 and 2005 and found places where the animal licenses had been raised to \$20 and \$10, where the senior citizens would pay one time, not yearly. Mayor stated that he thought that \$20 and \$10 would be appropriate. Park rentals fees were discussed.

Mayor Densley asked Council Member Blackmore to find out the basis for the square footage packet from Hurricane City. She agreed and stated that she felt the proposed fees were a little high. Council Member Jean Krause stated that she had looked up the consumer price index from 1985. An example was a \$200 annexation fee in 1985 would be \$500 today.

The Council decided that, except for the building fees, they would be in agreement on the fees in order to pass the increases during the August meeting.

b. Discussion regarding Surplus Chairs.

Mayor Densley stated that the chairs did not make it to the 4th of July auction. He was making

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them available for public purchase at \$3-\$4 a chair.

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

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

3. Declaration of Conflicts of Interest.

No Conflicts of Interest were disclosed.

4. Mayors Comments and Updates.

Mayor Densley stated that a letter had been sent to the state regarding the town's financial status, which stated the town had been working since fiscal year 2011 to remove the deficit and the town was continuing to focus on removing the deficit. If needed the town would budget its 2016 fiscal budget to keep the expenses down.

The Mayor stated that Pocketville Road would be started within the next couple of weeks and finished by the middle of September. The County would be assisting with the chip seal and improving drainage.

The Mesa Road was not close to having improvements made, but the Mayor was optimistic. One option would be to dis incorporate turning it back to the County, but the were not happy with that solution. UDOT would be reviewing the road in November.

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Repairs in Pocketville Park would begin soon, but the breach needed to be fixed first.

The Old Church brick name wall was going up, along with the new pioneer wagon that was on the square.

Hurricane had been admitted back into the fire district and Leeds had disbanded their district in order to be a part of the Hurricane District. The Mayor was traveling to Wisconsin to look at two new ladder trucks. He also reported that a strike by Gold Cross would probably impact the Hurricane Valley Fire District.

Mayor Densley stated that UDOT has agreed to upgrade the road to Zion in phases. Phase one would include passing lanes in both directions at the sight of the latest accident. Phase two would be passing lanes out of Rockville westbound. Phase three would be passing lanes before the twist and improvements on the twist. The Mayor reported that it would be about \$700,000 to move the stop sign 50 feet on 50 South. The Mayor stated he was not happy with the solution, but UDOT had their own rules to follow.

5. Citizen of the Month: Darwin and Shirlene Hall

Mayor Densley recognized Darwin and Shirlene Hall for their work on the Old Church and the pioneer wagon and shed to protect it. The thanked them for going beyond the normal and helping the town.

6. OPEN FORUM: Limit 2 minutes per speaker

* Shirlene Hall reported that Hal Cannon would be donating \$2000 toward the Heritage Town Square pavilion, while Lyman Everett would be building it.

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* Cindy Escude' asked for an update on outstanding litigation the town was involved in, specifically short term rentals and the referendum. Mayor Densley stated that the short term rental litigation had been resolved and they were not at liberty to discuss details. Th litigation with Zion River Resort would not have anything to report until August.

* Linda Collet suggested that the Council Members and public be given more than 24 hours to review and research what was on the agenda. She realized that state code required 24 hours, but suggested the town put a deadline further out than that. Mayor Densley stated that she had a good point and the staff would try to do that.

* Rod Mills stated that the draft final been submitted to the state and comments had been received from them. Because of comments from them, he had taken analysis from one active groundwater well in town. The data would be included in the final report, which would be available by the August meeting. Sean Amodt reported he knew of one more private well.

7. Consent Agenda: Items 8 and 9.

8. Review with possible approval of May 6, 2015 Special Budget Work Meeting, June 15, 2015 Special Meeting, June 17, 2015 Regular Meeting, July 1, 2015 Special Meeting draft minutes.

It was reported that the only minutes that were available were the June 15, Special Meeting Minutes.

9. Review with possible approval of June Invoices and Checks.

No discussion.

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Jean Krause moved to approve the consent agenda-items 8 & 9-the June 15, 2015, Special Meeting draft minutes and the June, 2015 Invoices and Checks. The May 6, 2015 Special meeting Draft Minutes, the June 17, 2015 Regular minutes and the July 1, 2015 Special Meeting draft minutes were not available and were tabled. Bill Adams gave the second. No roll call vote was taken. The motion passed 4-1. Jay Lee abstained.

10. Review with possible approval of Resolution #2015-072215-B Amending the current Fee Schedule.

No discussion during the Regular Meeting.

Jean Krause moved to table Resolution 2015-072215-B Amending the current Fee Schedule for one more month. Bill Adams gave the second. No roll call vote was taken. The motion passed unanimously.

11. Possible Approval of Virgin Town P&Z recommendation to Virgin Town Council: Ordinance #2015-061715-I to adopt to adopt reformatted and amended Chapter 13 of VULU.

Council Member Jean Krause stated that Steve Masefield, P&Z Chair, had noticed that the Ordinance in the Council's packet was incorrect because it was from the June meeting. She stated that Bruce had asked that the ordinance be split into three different sections. Two of the three sections were in the packet, but the one dealing with Chapter 13 was not in the packets. Council Member Jay Lee asked if the Chapter 13 that was emailed to him the correct one. Council Member Jean Krause replied yes.

Council Member Jay Lee suggested that a committee should be formed to redo Chapter 13,

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rather than just the P & Z. Mayor Densley suggested if people wanted to be involved, they should be working with the P & Z. Council Member Danyale Blackmore stated that not all the changes had been made that had been talked about during the June meeting and the Council did not have time to review the entire ordinance during the meeting.

Bill Adams moved to table item number 11 for further amendments until next month. Jay Lee gave the second.

Council Member Jean Krause stated that she wanted to hear the changes that Jay had brought. Gravel roads as a recommendation, not a standards, was then discussed. Council Member Danyale Blackmore stated that she felt standards should be set and offering the idea that gravel roads would be accepted was wrong. She felt that high standards should be set and then the town could allow the developer to suggest something else that might work. She stated that the town should not open development up to low standards. Mr. Masefield replied that gravel or packed earth would lower the pollution that went into the river, if the developer chose to use it. He felt high or low standards were a matter of opinion. He felt it was now the Council's decision what should be changed, not the Planning and Zoning.

Council Member Jay Lee called the question.

Roll call vote: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

It was suggested that the Council review the ordinance, make their changes, then call or email Steve Masefield before the next meeting, so he could get everything in order.

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Cindy Escude' summarized that between now and next month various Council Members would be speaking to Steve Masefield to make changes. She felt that this way would be leaving the citizens out of the discussion again. Council Member Danyale Blackmore explained that the citizens would be able to review the final ordinance before it was approved.

12. Possible approval of Virgin Town P & Z Recommendation to Virgin Town

Council: Ordinance #2015-061715-1a to adopt Housekeeping of VULU for the following items:

Adele Pincock clarified that some of the changes listed affected Chapter 13, therefore, would also have to be tabled. Council Member Jean Krause answered that no, they had been separated out. She also stated that the following changes were just to organize, re number, and fix typographical errors. No content had been changed.

Adele Pincock asked why their was a need for renumbering if nothing had been changed. Council Member Krause explained that instead of having one big ordinance with a lot of information, they had separated things apart and made three separate ordinances. P&Z Chair, Steve Masefield stated that there were several sections that skipped numbers in the middle of the ordinance.

a) Chapter 8 of VULU-Re-number sections in 8.11 and Amend Title of section 8.11

b) Chapter 8 of VULU-Amend Chapter 8 to included Section 8.12- Standards for Limited Temporary Commercial Habitation/Temporary Use of Recreational Vehicles in Commercial Zone

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- c) Chapter 8 of VULU-Amend Chapter 8 to include Section 8.13.7- Standards for Conditional Use of recreational Vehicles, Travel Trailers, Campgrounds, and Cabins***
- d) Chapter 16 of VULU-Amend Chapter 16 to include section 16.9- Standards for Temporary Use of Recreational Vehicles in Residential Zone***
- e) Chapter 17 of VULU-Amend Chapter 17 to include section 17.8- Standards for Temporary use of Recreational Vehicles in Rural Residential Zone.***
- f) Chapter 20 of VULU-Amend Chapter 20 to rename section 20.5.18 to read "Limited Permanent Commercial Habitation" (see 8.11)***
- g) Chapter 20 of VULU-Amend Chapter 20 to include section 20.5.19- Limited Temporary Commercial Habitation (see 8.12 and 13.2)***

Jean Krause moved to approve Ordinance #2015-061715-1a which amends the relevant sections of chapters 8, 16, 17, and 20 with regard to the use of RV's in Virgin. Bill Adams seconded the motion. Roll call vote: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. Voting was unanimous.

13. Possible approval of Virgin Town P&Z Recommendation to Virgin Town

Council: Ordinance #2015-061715-1b to amend VULU 27.6.2.F Solar Roof Mounting.

Council Member Bill Adams stated that the ordinance indicated the solar panel could not be higher than the original roof of the house.

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Jean Krause made a motion to approve Ordinance #2015-061715-1b to amend VULU 27.6.2.F in regard to solar roof mounting. Danyale Blackmore gave the second. Roll call vote: Bill Adams-Aye, Danyale Blackmore-Aye, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-Aye. The vote passed unanimously.

14. Review with possible approval of Resolution #2015-072215-A Approving Curbside Recycling Agreement with Washington County Special Service District.

Mayor Densley stated that Virgin Town decided to go with the opt out program which meant that residents of Virgin who did not wish to participate in curbside recycling had 60 days prior to January to opt out. Once a citizen had opted out, they could get back in, however, if they did not opt out they were in for good. The rates would be determined at a later time, but would be based on percentage of participation. Pick up would be every other week. Council Member Jay Lee stated that if 50% of the town opted out, the entire town would be out. He then read option #4. It was discussed that the resolution was the agreement to the program and the ordinance was the opt out agreement.

Sean Amodt asked how much it would cost the town with the extra billing, etc. The Mayor replied that it would not cost anything extra, after the initial set up, and Candus Tibbits, Town Accountant, would be doing it under her flat fee.

The price would be from \$2.94 a month to \$3.82, depending on the number of people who opted in.

Linda Collet asked if the town chose the opt out program, then each individual person would

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have to come to the office and say they wanted out or in. She felt it would not be successful to require that of citizens. Mayor Densley replied that unless the citizen signed an opt out form, they were in. Citizens had from September 1 to November 1 to opt out. No town, that the Mayor knew of, had completely said they were not participating. It was also clarified that any new building, after January 1, was automatically in.

Rosemary Marchi asked if the bins would be provided. Mayor Densley answered that the County would provide the recycle bins.

Cindy Escude' clarified that any new building after January 1 would be in. She stated if a home was sold before January 1, the new buyers would be automatically in. She then surmised that if she sold her home in Virgin and bought another home in Virgin, she would have the privilege of opting out again. The council affirmed this.

The Council realized that a public hearing had not been held on the issue. They were in agreement that one needed to be held. Mayor Densley asked Monica Bowcutt, Town Clerk, to schedule a public hearing on the opt out issue.

Jean Krause moved to table items 14, 15, and 16 until the August Meeting in order for a public hearing to be held about curbside recycling. Bill Adams gave the second. No roll call vote. The motion passed unanimously.

Council Member Adams asked that the public hearing be held at the Planning and Zoning Meeting, so that the ordinances would be ready to approve at the August Meeting. The Council agreed. Mayor Densley asked that Town Clerk, Monica Bowcutt, research the law on

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Public Hearings being held after 6:00 pm.

- 15. Review and possibly approve Ordinance #2015-072215-1: Instituting a Program for Curbside Collection of residential recyclable materials and establishing rules, regulations and fees for said program.**

See above.

- 16. Review with possible approval of Ordinance #2015-072215-2 for Opt-Out Curbside Recycling Program.**

See above.

COUNCIL COMMENTS:

- Danyale Blackmore thanked everyone for helping with the 4th of July.
- Mayor Densley stated that the Child's Play Theater would be on July 24, for Pioneer Day.

C. ADJOURN PUBLIC MEETING:

- 17. Approve Motion to Adjourn Public Meeting.**

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

The Meeting adjourned at 8:15 pm.

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Monica Bowcutt

Town Clerk

Approved: _____