

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, January 27, 2016**

**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  
Jean Krause  
Jay Lee  
Dan Snyder  
Matt Spendove

Others: Monica Bowcutt, Town Clerk  
Darcey Spendlove  
Linda Collett  
Niles Ritter  
Chris Holm  
Drew Allred  
Curtis Neilson, Ensign Engineering  
Adele Pincock  
Cory Shupe  
Lisa Coombs  
Ron Smith  
Ray Golatta  
Joseph Harper  
Jeff Morby  
Gene Sturzenegger  
Sean Amodt  
Bill Swensen  
Lyman Everett  
unknown signer

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

Mayor Densley stated that all the Council Members should have received a copy of the budget via email. The Mayor explained that he was going to cut back on spending because the town was over-budget in some areas.

Mayor Densley stated that the town could not tell Drew Allred what zone would be best for his situation. Instead, Mr. Allred must tell the town what he wanted and then go from there. Mayor Densley also mentioned that there was no way to know if the neighbors taxes would increase, if/when a zone change happened.

**a. Discussion and presentation of Town Survey Results**

Mayor Densley stated that the survey results were officially out. The results were posted on the town website, via e-mail or available for check out from the office. Council Member Jean

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Krause stated that the purpose of the survey was to see if the General Plan needed to be changed. She stated that only one result showed change was needed and that was where the commercial zone should go. Mayor Densley stated that his impression from reading all the comments was that the town needed to be a little more friendlier to new businesses.

#### **b. Discussion on February Joint Training and April Training.**

Mayor Densley stated that a round table type joint (Town Council and Planning and Zoning) training will be held before the Town Council Meeting in February.

#### **c. Update on Interstate Rock.**

Mayor Densley stated that the town was still waiting for the town attorney and engineer to get the final numbers in order to submit to Interstate Rock.

The Mayor also stated that the new Kolob Road right-of-way had never been recorded, which had to be done before the new dump station could be started.

#### **d. Discussion of new Zone proposal.**

Mayor Densley stated that Council Member Matt Spendlove had written a new zone which included zoning for tents and campgrounds. He asked the Council to review the zone and make any suggestions before it went to Planning and Zoning.

\* Mayor Densley stated that the lighting ordinance, which was listed on the agenda, was only dealing with two items in the ordinance.

\* The Mayor reported that he would be moving item number 14 in front of item number 12.

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\* The Council discussed going back to a paper copy of the newsletter being mailed to all the citizens. Because of cost, it was decided that the newsletter remain being circulated electronically, unless specific requests were made.

\* Mayor Densley stated that the police department was adding another officer to the force, with no increase in cost to the town. He also mentioned that the department did more than just write speeding tickets.

\* Council Member Jean Krause stated that the survey results indicated "none" for RV and camping sight uses and the new zone Chapter 21" was suggesting these uses. She felt the zone was going against what the majority of the people had marked on the survey. Council Member Jay Lee pointed out that the columns were not just yes or no, but were marked yes in one part of town or another. The majority of answers were yes, when added all together. Discussion turned to tents in the Highway Resort Zone and if the referendum killed the use. The Council also made a few suggestions on the new zone.

#### **B. REGULAR MEETING/Action Items:**

##### **1. Call to Order- Mayor, Bruce Densley**

##### **2. Invocation/Pledge of Allegiance**

Mayor Bruce Densley gave an invocation. Council Member Jay Lee led the Pledge of Allegiance.

##### **3. Declaration of Conflict of Interest.**

No conflicts were declared.

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**4. Mayor's comments.**

Mayor Densley stated that he had made all his comments during the work meeting.

**5. Appointment and swearing in of 2 new Planning and Zoning Commissioners.**

*Bruce Densley motioned to appoint LeRoy Thompson to the Planning Commission for 2 years. Jean Krause gave the second. Roll call vote: Jean Krause-Aye, Jay Lee-Aye, Dan Snyder-Aye, Matt Spendlove-Aye, and Mayor Bruce Densley-Aye. Voting was unanimous in favor.*

*Bruce Densley motioned to appoint Kevin Stout to the Planning Commission for 4 years ending December 31. Jay Lee gave the second. Roll call vote: Jean Krause-Aye, Jay Lee-Aye, Dan Snyder-Aye, Matt Spendlove-Aye, and Mayor Bruce Densley-Aye. Voting was unanimous in favor.*

Monica Bowcutt, Town Clerk, swore in LeRoy Thompson, followed by Kevin Stout. Mayor Densley explained that a new ordinance would be on the agenda in February reaffirming the dates of terms for all P & Z members.

*Mayor Densley moved to appoint the Mayor as the Representative for Virgin on the Mosquito Abatement District and Hurricane Valley Fire District. Jean Krause seconded the motion. No roll call vote was taken. The voting was unanimous in favor.*

**6. Open Forum: Limit 2 minutes per speaker.**

No comments were made.

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**7. Consent Agenda: Items 8 & 9.**

*Jean Krause moved to approve the Consent Agenda, items 8 & 9, minutes from December 16, 2015 and January 13, 2016, and the December Invoices and Checks. Dan Snyder seconded the motion. No roll call vote was taken. The motion passed on a split vote with Jay Lee voting aye on number 8 and abstaining on item number 9.*

**8. Review with possible approval of December 16, 2015 and January 13, 2016**

**Special Meeting draft minutes**

No discussion. See motion above.

**9. Review with possible approval of December Invoices and Checks.**

No discussion. See motion above.

**10. Resolution #2016-012716-A to Appoint and reaffirm Members of the Panning and Zoning Commission.**

Mayor Densley stated that a resolution was needed to make the terms official, followed by an ordinance. Jay Lee suggested that in the second paragraph the words 'Virgin Town' and 'and zoning' be added. He also suggested that the terms be staggered more by adding one, two, and three years terms to the cycle.

*Jean Krause moved to adopt resolution number 2016-012716-A with the changes in paragraph two in the last line deleting the word 'and' and after the word planning adding the words 'and zoning' before the word*

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***commission. Dan Snyder gave the second. Roll call vote: Jean Krause-Aye, Jay Lee-Aye, Dan Snyder-Aye, Matt Spendlove-Aye, and Mayor Bruce Densley-Aye. Voting was unanimous in favor.***

**11. Motion to appoint Mayor Bruce Densley as Representative for Virgin for the following Special Service Districts: Mosquito Abatement and Hurricane Valley Fire District.**

Mayor Densley had already made the motion before item number 6, which had also been voted on and approved. The motion was as follows:

***Mayor Densley moved to appoint the Mayor as the Representative for Virgin on the Mosquito Abatement District and Hurricane Valley Fire District. Jean Krause seconded the motion. No roll call vote was taken. The voting was unanimous in favor.***

***Mayor Densley made a motion to move item 14 before item 12. Dan Snyder gave the second. No roll call vote was taken. The voting was unanimous in favor.***

**14. Hinton Burdick-McKay Hall/Candus Tibbits: Audit Findings.**

Mr. Hall stated that he would present the financial statements and the audit. He explained that the auditors had found the financial statements were accurate and there were no material weaknesses. He then stated that the town had a deficit in the unrestricted fund balance and there were a few material compliance issues, which were now being met. The government capital assets had increased while the utility assets had remained the same. He also stated that in the General Fund, over the last five years, the revenues were higher than the

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expenditures. He suggested that the town continue to focus on increasing the unrestricted fund balance and the water fund. Mayor Densley stated that the town budget was looking good. In some areas there was a surplus and other areas there was a deficit.

#### **12. Blu Line-Cory Shupe-Chapter 13 update.**

The Council discussed the newest version of Chapter 13 with Cory Shupe. Several changes were made beginning with the title and throughout the document. Set backs along SR9 was discussed in detail. Tents was discussed and it was decided to add tents as part of the description. The format was also discussed in detail. The Mayor asked that Blu Line make the changes, and then the document would be sent to P & Z for review. It was not known if a public hearing was needed. Town Clerk, Monica Bowcutt, was going to find out.

#### **13. Ensign Engineers-Rod Mills-Water Study Updates.**

Rod Mills updated the Council on the water study. The State required several water scenarios which had all been met (peak day, fire flow, peak instantaneous). It was discovered that the water system needed to be updated to 8 inch pipe to all fire hydrants. The town also needed to develop a plan to take care of the deficiencies. The study also showed that 25% of the system was failing in the fire flow scenario. Two things that needed to happen was to update the pipe sizes and add or update the storage systems. Mr. Mills suggested that it would cost about 1.4 million dollars to update the pipe sizes.

#### **15. Zone change application-Joe Harper/Drew Allred.**

Joe Harper presented copies of a letter from neighbors who wanted to change to Highway Resort Zone and also those neighbors who supported his zone change and the idea of a campground. He stated that changing to Highway Resort Zone would be beneficial to them and the neighbors who wished to change. He did not have any neighbors who opposed the

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Harper/Allred property being rezoned. He also reported that three properties had also requested to be rezoned to Highway Resort, which was a total of 5 acres. Council Member Jean Krause stated that the town was not going to do spot zoning, which was the point of asking neighbors. Justifying tents in the Highway Resort Zone was discussed based on the referendum. Town Clerk, Monica Bowcutt, was asked to call the attorney about tents in the Highway Resort Zone.

**16. Continue Discussion of New Zone Proposal.**

Mayor Densley asked each Council Member to make suggestions in writing and then the document would be sent to Planning and Zoning for review.

**17. Ordinance # 2015092315-2 Amending Chapter 4.15 HEIGHT OF FENCES, WALLS, AND HEDGES.**

Sections 4.15.2.B.1 and 4.15.2.B.2 were discussed.

***Jean Krause moved to approve Ordinance # 2015092315-2 as written.***

Discussion followed about eliminating the words front yard.

***Dan Snyder gave the second. Roll call vote: Jean Krause-Aye, Jay Lee-No, Dan Snyder-Aye, Matt Spendlove-No, and Mayor Bruce Densley-Aye.  
The motion passed 3-2.***

**18. Amending VULU Lighting: Chapter 4.20**

Article 2.2 Control of Glare and Defining Full Cut-off Luminaire were the sections in question.



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The Mayor asked that the Council review the sections and be ready to vote during the February meeting.

***Jay Lee moved to table the item until next month. Jean Krause gave the second. No roll call vote was taken. The vote was unanimously in favor.***

Monica Bowcutt clarified that Mr. Harper was still requesting the zone change to Highway Resort Zone and that she would be checking with the town attorney about procedures.

#### **Council Comments**

Jay Lee asked that that water rates be placed back on the agenda. He remembered that the Council had voted to revisit the issue in one year to possibly adjust. The Mayor stated that the water rate had increased as per the ordinance which was passed. Monica Bowcutt, Town Clerk, stated that the water rate change was for a 3 year period. The Mayor asked that the ordinance be looked up for clarification and then be emailed out to the Council Members.

Mayor Bruce Densley stated that it had been emphasized in the Water Conservancy District meeting that more water was needed or growth would stop.

Monica Bowcutt stated she would check into the recycling cans being delivered to the wrong houses.

#### **C. ADJOURN PUBLIC MEETING:**

##### **19. Approve Motion to Adjourn Public Meeting.**

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

The Meeting adjourned at 8:56 pm.

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Monica Bowcutt  
Town Clerk

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