

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, February 24, 2016

Work Session at 6:30 pm

Regular Meeting at 7:00 pm

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

A joint training with Town Council Members and Planning and Zoning Members was held at 5:45 pm. All members of both boards were present. They discussed duties, along with holding a question and answer session. The public was also invited and present.

Present:

Council Members: Mayor, Bruce Densley
Jean Krause
Jay Lee
Dan Snyder
Matt Spendlove

Others: Monica Bowcutt, Town Clerk
Darcey Spendlove
Kevin Stout
Gene Sturzenegger
Shirlene Hall
Robin Clark
Joe Harper
Cindy Escude'
Chuck Matsler
Bill Swensen
Lisa Coombs
Linda Collet
Bonnie Timmerman
Andrea & AJ Wenzel
Carolyn Matsler
Lee Ballard

A. WORK MEETING/Non-Action Items.

a. Discussion of Emergency Signor on checks.

The Council agreed to have Council Member Matt Spendlove be the emergency check signer.

b. Building Inspector Pay-Flat Fee? Hourly? Per Inspection? Per trip?

Mayor Densley stated that the town had been paying \$25 per inspection to the building inspector. The Council discussed the best way to bill the inspection, understanding that the builder paid the fee. He asked the Council to think about changing policy to pay a flat fee, by the hour, or per trip.

c. Revision and/or replacement of Chapter 21 in VULU.

Mayor Densley suggested the Council wait for the outcome of the Chapter 13 revision before acting on Chapter 21.

The Mayor then explained that he and Council Member Krause had met with attorney Heath

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Snow, who had suggested adding residential as a permitted use in the Highway Resort Zone. The current homes would be grandfathered in. The Mayor and Council Member Krause stated that they did not see any problem with the suggestion. The Mayor also suggested adding tents and campground usage in the Highway Resort Zone as permitted uses, but not RV's. Council Member Krause stated she felt that suggestion was treading too close to another referendum. The Council discussed the suggestions and the impact they would have. Council Member Lee stated that allowing homes too close to the river could be a problem.

The Council took a 5 minute recess.

B. REGULAR MEETING/Action Items:

1. Call to Order- Mayor, Bruce Densley

Mayor Densley called the meeting to order at 7:02 pm.

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. Mayor Densley stated that he and Council Member Jean Krause had met with Stuart Ferber and the town attorney.

4. Mayor's comments and updates.

The Mayor reported the police department third quarter numbers. He stated that the town had paid \$3,786 per month and the officers had responded to nearly 100 incidents in the quarter.

The Mayor also stated that there was renewed interest in developing the land just up from the ostrich farm, which had previously said they would be putting in a winery.

5. Consent Agenda: Items #6 & 7.

Council Member Jean Krause stated that she had a few minor changes that she would get to Darcey Spendlove.

Dan Snyder moved to approve the Consent Agenda, minutes from January 27, 2016, with Jean's changes, and the January Invoices and Checks. Matt Spendlove seconded the motion.

Jay Lee pointed out that on page 9, it should read that the water rate had been increased.

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The Council agreed. He also made one grammatical change.

No roll call vote was taken. The motion passed unanimously.

6. Review with possible approval of January 27, 2016 draft minutes.

No discussion. See motion above.

7. Review with possible approval of January Invoices and Checks.

No discussion. See motion above.

8. Public Forum: Limit 2 minutes per speaker.

* Cindy Escude asked how much the town had paid to hire a company to update Chapter 13. Mayor Densley stated the flat fee was \$4,100.

* Bill Swenson clarified with the Mayor that police incidents did not include traffic stops. He also stated that a police presence on the highway was good, but was also negative. He suggested working with UDOT to install flashing lights instead.

* Cindy Escude also suggested that more lights be added to Heritage Town Square.

C. PUBLIC HEARING:

9. Motion to Close Public Meeting and Open Public Hearing:

Jean Krause moved to close the public meeting and open public hearing. Dan Snyder gave the second. No roll call vote was taken. The motion passed unanimously.

10. Input regarding Re Zone along SR9 to continue the HRZ further East rezoning from RR to HRZ.

Lee Ballard gave a history on the Highway Resort Zone, stating that the original intent was to zone all the way to the 101, but because some landowners did not want that, the distance was shortened. She also stated that she was in favor of the proposed rezone.

11. Input regarding Ordinance #2016-022416-1 An Ordinance revising Chapter 2 of the Virgin Uniform Land Use Ordinance Regarding the Planning and Zoning Commission Members staggered terms.

There were no comments.

12. Motion to Close Public Hearing and Open Public Meeting:

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a) Approve Motion to Adjourn Public Hearing and Open Public Meeting.

Jean Krause moved to close the public hearing and open the public meeting. Matt Spendlove gave the second. Not roll call vote was taken. The motion passed unanimously.

D. PUBLIC MEETING continued/Action Items

13. Discussion and possible approval of Re zone.

Mayor Densley stated that he recommended sending the proposed rezone, with maps, to the Planning and Zoning for consideration. Matt Spendlove stated that the Planning and Zoning had already addressed the issue. Jean Krause stated that the rezone of the entire strip was different than what the Planning and Zoning had already seen, which was a spot zone. Mayor Densley stated that all landowners were fine with the rezone as long as Highway Resort Zone was amended to include residential as a permitted use.

Joe Harper stated that Planning and Zoning had said as long as it was a group being rezoned, they did not have a concern about it.

Bruce Densley moved to refer the rezone to Planning and Zoning, including adding tents as a conditional use and residential as a permitted use. Prompt action was also requested. Dan Snyder gave the second. No roll call vote. The motion passed unanimously.

14. Discussion and possible approval of Ordinance #2016-022416-1 Revising Chapter 2 in VULU.

The Council discussed approving the ordinance revising Chapter 2 in VULU, staggering the terms of the Planning and Zoning members.

Jean Krause moved to approve Ordinance #2016-022416-1 Revising Chapter 2 in VULU. Matt Spendlove gave the second. Roll call vote: Jean Krause-Aye, Jay Lee-Aye, Dan Snyder-Aye, Matt Spendlove-Aye, and Mayor Bruce Densley-Aye. The motion passed unanimously.

15. Request for extension of Building Permit-Wade Clifton-Section 1.74

The Council discussed a 6 month building permit extension for Wade Clifton.

Dan Snyder moved to approve the building permit extension for a period of 6 months. Jay Lee gave the second. No roll call vote. Voting was unanimously in favor.

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Lee Ballard stated that a public hearing must be held by the Planning and Zoning on the rezone.

16. Update on Hotel-Stu Ferber.

The Mayor reported that Stu Ferber was ready to move forward on the hotel. Mr. Ferber was just waiting for the architect to finish the plans. He had met all requests by the town and was in compliance with all ordinances. The project would begin with the building on the West side of the property.

17. Discussion of revised Chapter 13-BLU Line-Cory Shupe.

Mayor Densley reported that because of the drastic changes, the revised Chapter 13 must go back to Planning and Zoning for another public hearing. He also suggested that a change be made to page 10, dealing with the maximum occupancy of an RV during construction. The Council agreed that the number should be 2 adults and/or immediate family members who could live on the property. Council Member Jean Krause then questioned the number of units that were allowed, found under general site design standards. She thought 16 was too many and believed it should be between 8 and 10, although clustering would be allowed. Council Members Jay Lee and Matt Spendlove stated that 16 was fine with them. Mayor Densley asked Council Member Jean Krause to check with BLU and report to Planning and Zoning about both questions. Council Member Matt Spendlove asked why the limit was set at 20 acres in 13.1.3.A. Mayor Densley asked Council Member Krause to check with BLU about that also.

Jean Krause moved to refer the Ordinance to Planning and Zoning, who would hold a public hearing. Dan Snyder gave the second. No roll call vote. Voting was unanimously in favor.

18. Discussion of revised Lighting Ordinance. VULU Chapter 4.20/Ordinance #2016-032316-1.

The Council discussed the ordinance and the changes to the definition. They agreed that the light bulb should not go below the plane.

Dan Snyder moved to table item #18 to be written in ordinance form. Jay Lee gave the second. No roll call vote was taken. The motion passed unanimously.

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19. Appointment of 2 new members to the Historic Preservation Commission- Rod Mills and William McMurrin.

Council Member Jean Krause stated that the Commission currently consisted of three people. In order to become a certified local government and so that grants could be applied for, an architect and engineer must be on the commission. Both of these professionals had agreed to serve. She explained that a few language changes needed to be made and the paperwork needed to be sent to the State and National Park Service. Darcey Spendlove explained that there was already a committee in place, complete with an architect and engineer. Jean Krause disagreed, stating she had not found anything stating such.

Matt Spendlove moved to table the item until it could be clarified. Jay Lee gave the second.

Jean Krause stated that the paperwork, survey, and other things that needed to be done by the Commission, had not been done.

No roll call vote. The motion passed on a split vote, with Jean Krause voting no.

20. Motion to close Public Meeting and enter into Executive Session.

Jean Krause moved to close the public meeting and enter into an executive session. Matt Spendlove gave the second. No roll call vote. Voting was unanimous.

The motion was rescinded in order to have Council Comments first.

Council Comments

* Jay Lee stated that he had been told last year that Virgin had the lowest water rates in the county. He had done some research, finding that Hurricane, Toquerville, and LaVerkin were all lower than Virgin. Monica Bowcutt, Town Clerk, stated that the resolution had been passed to increase the base rates gradually, over a three year period.

Jean Krause moved to close the public meeting and enter into an executive session. Matt Spendlove gave the second. No roll call vote. Voting was unanimous.

21. Executive Session regarding possible litigation.

Executive meeting began at 8:06 pm.

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22. Motion to close Executive Session and open Public Meeting.

Jay Lee moved to close the executive session. Bruce Densley gave the second. No roll call vote. The motion was approved unanimously.

C. ADJOURN PUBLIC MEETING:

23. Motion to adjourn Public Meeting.

Dan Snyder moved to adjourn the Public Meeting. Bruce Densley seconded the motion. No roll call vote was taken. The motion passed unanimously.

The Meeting adjourned at 8:10 pm.

Monica Bowcutt
Town Clerk

Approved:_____