

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, March 23, 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 Spendlove

Others: Monica Bowcutt, Town Clerk
Kim Spendlove
Lisa Coombs
Sean Amodt
Bonnie Timmerman
Joe Harper
Dicksie Duke
Darwin & Shirlene Hall
Rod Mills
Niles Ritter
Linda Collet
Heath Snow, Town Attorney

A. WORK MEETING/Non-Action Items.

a. Discussion which Council Member will oversee the 4th of July this year.

Mayor Densley stated that the town was looking for someone to oversee the July 4th celebration. Council Member Jean Krause volunteered to be over the money part of it. The princess pageant was also discussed.

b. Discussion of beginning budget process. Must be adopted by June 22 meeting.

The Council received a printout on how much money had been spent, year to date, in each budget area.

c. Discussion of tablets, not printing meeting information, purchasing a projector and hiring sound guy.

Mayor Densley stated that the Mosquito District had a surplus projector screen available. It was decided to address the issue in April. Council Member Matt Spendlove stated that he was not receiving emails.

d. Discussion of Dalton Wash.

Mayor Densley stated that the town owned 80 acres on Coal Pits and he wondered if it was time to sell the property to pay for a third water tank. He also suggested leasing the land to a company to put in a zip line or campground. The Council discussed the uses, including selling or leasing, the Coal Pits property. Council Member Matt Spendlove stated he did not think it was time to sell because the land value would just go up. The Mayor asked for citizen

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input on the issue.

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

The Council did not discuss the revision and/or replacement of Chapter 21 in VULU. Mayor Densley stated it was premature to discuss the issue.

* Mayor Densley stated that he had discussed Chapter 13 with the P&Z members. He had also contacted Zion RV Resort to discuss specific standards, plus researched the units per acre number. He had contacted BLU Line, who had stated that it was up to the community on how many units per acre, with 20 being an arbitrary number.

* The Council discussed upcoming trainings. One would be held at the Old Church on April 15 with Dave Church and the other would be in St. George on April 6-8.

B. REGULAR MEETING/Action Items:

1. Call to Order- Mayor, Bruce Densley

Mayor Densley called the meeting to order at 7:06 pm.

2. Invocation/Pledge of Allegiance

Mayor Bruce Densley gave an invocation. Council Member Matthew Spendlove led the Pledge of Allegiance.

3. Declaration of Conflict of Interest.

No conflicts were declared.

4. Open Forum: Limit 2 minutes per speaker

Linda Collet asked how the Council could take action on Chapter 21, when the P&Z had not yet discussed it.

5. Consent Agenda: Items 6 & 7.

Council Member Jay Lee made a minor change.

Dan Snyder moved to approve the Consent Agenda, minutes from February 24, 2016, with Jay's changes, and the February Invoices and Checks. Matt Spendlove seconded the motion. No roll call vote was taken. The motion passed unanimously.

6. Review with possible approval of February 24, 2016 draft minutes.

See motion above.

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

See motion above.

8. Sean Amodt: Mosquito Abatement update.

Mayor Densley introduced Mr. Amodt as the Mosquito Abatement Special District Manager, which was developed in 2002. Mr. Amodt explained to the Council who the District was, what they did, where their funding came from, how many employees they had, how they were controlling the mosquitoes, how Virgin was doing controlling West Nile Virus, locations of traps, when treatments took place, and how many different mosquito species in Southern Utah.

9. Rod Mills: report on the Water System Master Plan.

Rod Mills stated he would be finished with the Plan within a week or two. He explained that he would issue the Plan to the town for review, take the town's comments and include them in the study. He hoped it could be passed during the April meeting.

Council Member Krause reminded Mr. Mills that the waste water study had not been formally adopted by the town.

Mr. Mills colleague, Curtis, addressed the Council giving the specifics of the study. He explained that, as the town changed, the Water Master Plan would need to be modified. The current tiered structure would look favorable when applying for grants and/or loans. The areas of concern were discussed. The estimated cost of updating all the problem areas was 2.4 billion dollars. The different grant and loan options were also discussed. Rod Mills stated that with just a little tweaking, the Water Master Plan met all the requirements for the Water Conservation Plan.

Mayor Densley stated that it was the town's goal to have the metal tank relined the coming winter. He was planning to use the bond that would be freed up in a few months to help pay for it.

Mayor Densley stated that Ensign Engineering was surveying the Mesa Road and the Mayor had met the with several different representatives to find funding to improve the road.

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

Jean Krause moved to appoint Rod Mills, an engineer, and William McMurrin, an architect, to the Historic Preservation Commission. Dan Snyder gave the second. No roll call vote was taken. The motion passed unanimously.

Council Member Krause stated she would have a revision for the Council to address during the April meeting. Heath Snow, Town Attorney, stated that because the town did not have a historic preservation zone/district it was not a land use ordinance and should not be included in VULU. It would be considered land use if a zone or district was created. Council Member Krause stated that Virgin Town needed to update the ordinance to comply with the State, in order to receive grants.

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

Mayor Densley stated he felt the discussion of the revision and/or replacement of Chapter 21 in VULU was premature because it may be covered in Chapter 13. Council Member Matt Spendlove stated that he had placed the conditional uses in Chapter 21 because no other current ordinance had them. Council Member Jean Krause clarified that the new ordinance should not be named 'Chapter 21' because it was a brand new ordinance and zone, not an amendment. Council Member Matt Spendlove agreed and stated that it had been on the agenda for four months. He felt it was time to move forward. Council Member Spendlove also stated that he had been told that to put RV uses in the Highway Resort Zone would cause another referendum, so he wondered why the town would not approve the new zone. Heath Snow, town attorney, stated that there may be some benefits to doing a new zone, which would not have a retroactive impact. He also recommended that the ordinance be tabled or renamed. In essence, struck from the agenda and renamed.

Joe Harper asked if his property became HRZ his next hurdle would be to apply to have campgrounds become part of the HRZ. The attorney replied that he would be asking for a conditional use, that would not only apply to him, but to everyone, which was the retroactive effect. He continued that if the Council decided they did not want to have a retroactive effect, they must decide to allow for an RV in a new zone.

The Council agreed P&Z would be asked to discuss the ordinance, named as the next zoning district number. The motion to strike it from the agenda until P&Z reviewed it passed unanimously.

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Jean Krause moved to strike the item from the agenda and it would not come back until it comes from P&Z. Matt Spendlove gave the second. No roll call vote was taken. The motion passed unanimously.

12. Recommendation of Planning and Zoning regarding Ordinance

#2016-032316-1 Adopting an Ordinance amending the current Virgin Uniform Land Use Ordinance amending the Highway Resort Zone Boundaries and the Current Virgin Town Zoning Map.

Mayor Densley stated the rezone had been discussed for many months and the Council had received the approval from the P&Z on the issue. Town Attorney, Heath Snow, stated that the timing was not improper. Council Member Jean Krause stated the correct dates of public hearings for the partial and full zone change. The Council reviewed the parcels numbers and the descriptions in the ordinance.

Matt Spendlove moved to approve Ordinance #2016-032316-1 Adopting an Ordinance amending the current Virgin Uniform Land Use Ordinance amending the Highway Resort Zone Boundaries and the Current Virgin Town Zoning Map with the changes that were discussed. 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. The motion passed unanimously.

Council Comments:

* Dan Snyder asked about removing the bees from the chimney in the town office. The Council agreed to find someone to do it for free before money was spent.

* Mayor Densley asked the Attorney if the town could shut the water off at homes that were being used for illegal activities. His recommendation was against it. Mayor Densley also explained that the cul-de-sac was being reworked in Virgin Acres Subdivision.

* Jean Krause asked the attorney if resolutions were only good for six months. The attorney stated no, unless a sunset clause was included. Jean Krause then stated that there were two people on hold to build houses because the lighting ordinance had not been passed. The attorney explained that the people should not be held back because of a pending ordinance. It was mentioned that the lighting ordinance was not being followed on the town square. The Council agreed to change the lighting.

* Jay Lee read a cease and desist letter written to a citizen which was not correct. It stated 90 days, when the ordinance said 30 days. The attorney agreed and stated he would resend the correct version.

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C. ADJOURN PUBLIC MEETING:

13. Motion to adjourn Public Meeting.

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

The Meeting adjourned at 8:18 pm.

Monica Bowcutt
Town Clerk

Approved: _____