

FINAL MINUTES

VIRGIN TOWN COUNCIL MEETING

WEDNESDAY, June 22, 2016

6:15 pm-On Site Meeting on SR9 at West end of Desert Garden Estates for Welcome Sign at 6:15

6:30 pm-Work Meeting

Regular Meeting-7:00 pm

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

Present:

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

Others: Monica Bowcutt, Town Clerk
Darcey Spendlove
Rod Mills
Bonnie Timmerman
Carolyn Matsler
Gina Amodt
Heath Snow-Town Attorney
Ray Golata
Sean Amodt
Chuck Matsler
Kevin Stout

A. WORK MEETING/Non-Action Items.

The Council (Jean Krause was not present), along with several members of the public, met at the West side of Desert Gardens for an on-site meeting. They discussed the welcome sign location. Afterward, all Council Members were present at the regular work meeting, along with Town Attorney, Heath Snow.

a. Welcome sign and July 4th Proceeds.

The Council narrowed down the welcome sign to two locations. They also discussed the kind of rock, etching versus metal lettering, and the design. The Council also agreed that the proceeds from the 4th of July should go to the welcome sign.

b. Attorney Communication.

Mayor Densley stated the town would be billing people who used the town attorney.

c. Discussion of Dalton Wash Property.

Council Member Matt Spendlove stated that he had heard from several citizens that they did not wish to sell the property. They thought it would be wise to use it as insurance for the future, until it was more valuable.

d. BMX plans, possibly including camping.

Mayor Densley stated that there had been some confusion with the BLM about acquiring the acreage around the BMX Track, but it had been straightened out. A problem had also come up with the fence line on the North, which needed to be worked out. Uses for the area which

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were discussed were: dog park, RC car track, camping, and fish pond. Mayor Densley reported that it had also been suggested that the town put in a commercial campground and hire someone to manage and maintain it, as a town revenue project. This option was known as an R&PP (recreation for public purpose) lease from the BLM.

e. Historic Preservation Ordinance.

The Council did not discuss the Historical Preservation Ordinance until the regular meeting.

* Town Attorney, Heath Snow, stated that he had written a rough resolution authorizing the solid waste district to relocate the dump station within the town boundaries. He read the resolution in its entirety. Mayor Densley stated that the District was ready to break ground.

B. REGULAR MEETING/Action Items:

1. Call to Order- Mayor, Bruce Densley

Mayor Densley called the meeting to order at 7:00 pm.

2. Invocation/Pledge of Allegiance

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

3. Declaration of Conflict of Interest.

No conflicts were declared.

4. Mayor's Comments:

Mayor Densley stated that there was a lot going on in town, but the only thing that was constant was change. He felt that the only way to get more accomplished was to work together to find common ground. He felt there needed to be a balance between the communities needs and individual property rights. The Mayor reported that the landfill was being moved, a turning lane was being put near the 101, and Independence Day was being celebrated.

* Gina Amodt reported that the 4th of July schedule was available and there were a few changes. She asked citizens to invite their friends, family and neighbors. She also thanked Falcon Ridge for donating the food for the breakfast.

5. Open Forum: Limit 2 minutes per speaker.

* Carolyn Matsler stated that she had created a Facebook page as a venue to rent Heritage Town Square. It was going to be linked to the Town Web-page and the Square's Facebook

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page. She was also planning on making some posters, with pictures, to advertise locally.

6. Consent Agenda: Items 8 & 9:

It was noted that the agenda was printed wrong. The consent Agenda was really Items 7 & 8.

Matt Spendlove moved to approve the May 25, 2016 Draft Minutes and the April and May 2016 Invoices and Checks. Jay Lee seconded the motion. No roll call vote was taken. The motion passed unanimously.

7. Review with possible approval of May 25, 2016 DRAFT minutes

Council Member Jean Krause stated she had a few minor corrections. Council Member Jay Lee also made a few changes.

8. Review with possible approval of April and May Invoices and Checks.

Council Member Jay Lee clarified that some money would be going back into the budget from reimbursement for lawyer fees. He also said Dan Snyder should be listed as a Town Council Member on the invoices and checks, not as a member of the Planning and Zoning. Matt Spendlove clarified that the check written to Fort Zion was for reimbursement for food. Mayor Densley asked the Council Members to get their changes to Monica before the meeting.

Close Public Meeting/Open Public Hearing allowing public comment on the following item:

a. Historic Preservation Ordinance # 2016-0621216-1

Council Member Jay Lee asked why a public hearing was being held. Council Member Jean Krause answered that it was not required, but was being held in order to be transparent.

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

Chuck Matsler stated that he had dealt with the Historic Preservation Committee in St. George and he felt it slowed the wheels. He also stated that the word 'historic' was very vague. He suggested that one of the troubles was appointing a five person committee that only met every two years. He did not think it was fair to make the property owner wait for the

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committee to meet. Mr. Matsler then suggested that it would be wise to have one committee member who had ancestry going back at least a couple of generations. This would help preserve family heritage. He noted section 7, concerned that it did not require property owner approval. Section 8 was also noted because of the same reason. He reasoned that the land owner might not want to be on the historic list and they should have the right to say no. Mr. Matsler also suggested that in section 8.3, the percentage should be 100%, not 50% of the area who wanted a historical district.

Carolyn Matsler stated she was speaking for Gina Amodt, who had had to leave the meeting. She stated that Gina lived in a historical home and in a historical part of town. Gina felt the property owners should have owner approval on any designation, even to be on the lists.

Close Public Hearing/Open Public Meeting

Matt Spendlove moved to close the public hearing and reopen the public meeting. Dan Snyder gave the second. No roll call vote was taken. The motion passed unanimously.

9. Review and possible adoption of Historic Preservation Ordinance # 2016-062216-1.

Council Member Jean Krause reviewed Mr. Matsler's concerns. She stated that in section 2.a the ordinance stated that the term should not be less than two years. The commission term was set up as 4 years. It also said they could be renewed after 4 years, with no term limit. Mr. Matsler stated that no term limit also concerned him. It was agreed to come up with a happy medium.

Council Member Jean Krause discussed section 2.b and 2.c. She agreed that adding a member with roots and response time was a good idea.

Council Member Krause explained the difference between a historic sites list and a historic landmark list. The sites list was only a list of historic sites in town. This list was available at the town office. The community completed a survey, which was sent to the state preservation office. She explained the landmark list was the national registry. She agreed to add a sentence stating the property owner must be notified when application was made to place property on the landmark list. The landmark list and register were discussed in detail, along with section 7. The only home in Virgin that was on the national registry was the Jepson House. Landowner approve was required to be on the registry.

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Section 9, specifically copying historic buildings, was discussed.

Council Member Krause clarified that she did not have any plans to create a historic district in Virgin and the landowners must agree to it. There was a bill being discussed that would change the 50% to be 66% of property owners to be in agreement for a historic district designation.

Council Member Matt Spendlove clarified that the only way the ordinance worked was if the landowner agreed. Council Member Dan Snyder stated that there were many benefits to being on the registry.

Attorney Heath Snow stated that the codes referenced in the ordinance which had been repealed would be null and void, therefore, they could be eliminated.

Jean Krause moved to table item 9 until the next Town Council Meeting. Dan Snyder seconded the motion. No roll call vote was taken. The voting was unanimous.

10. Review and possible adoption of VULU Lighting Ordinance # 2016-062216-6.

Attorney Heath Snow explained that the town had not formally adapted the requirements for exterior lights into VULU section 4.20. It would give the town some teeth with the law for new construction and remodeling. Mayor Densley stated that residents could still have spotlights, but they could not extend past their property line. Attorney Snow read the amendment in its entirety.

Sean Amodt stated he had helped design some of the original requirements taken straight from the dark skies ordinance. He felt that portions of the amendment were in direct conflict with the full lighting ordinance. He went into detail of the discrepancies, stating that it must be one or the other, not both. Attorney Heath Snow discussed the differences, shielding, and luminaries.

Council Member Krause stated that the P&Z had tried for a year to redo the entire lighting ordinance and had finally given up because of all the nitpicking. She felt the amendment should be passed.

Attorney Snow suggested article 1 should be deleted entirely. The amendment would replace it.

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Dan Snyder moved to approve the Ordinance # 2016-062216-6 with the pending changes noted. Jean Krause gave the second. Roll Call vote: Matt Spendlove-No, Dan Snyder-Aye, Jean Krause-Aye, Jay Lee-No and Mayor Bruce Densley-Aye. The motion passed 3-2.

11. Review and possible adoption of Resolution # R2016-062216-A, Approval of Relocation of Landfill.

Matt Spendlove moved to approve Resolution #R2016-062216-1. Jay Lee gave the second. No roll call vote. The motion passed unanimously.

It was noted that the agenda resolution number 'A' and the actual resolution number '1', did not match.

12. Review and possible adoption of Rules of Order and Procedure.

Mayor Densley stated he liked the longer version, which had been modified and reduced. Council Member Matt Spendlove stated he liked the short version. Attorney, Heath Snow, stated that referencing Roberts Rules of Order was a big black hole. He would like to see the Council adapt something that included submitting deadlines and had more than meeting procedures included. Council Jay Lee suggested eliminating the purposes. Attorney Snow stated that he could spend one and half hours to review and amend the current document into something that would be useful to the town.

Jean Krause moved to table the item and allow Heath Snow to review and amend the document. Matt Spendlove gave the second. No roll call vote was taken. The motion passed unanimously.

13. Discussion of purchasing water shares.

Mayor Densley reported that he had been in contact with Zions Bank about the possibility of acquiring the rest of Seirra Bella's water shares. He reported that the bank was willing to sell 26 ½ shares for \$2,500 each, which would be \$66,000. The Mayor suggested that the town was financially able to only purchase half of the shares. Attorney Snow suggested the town lock up the deal with an option to purchase the other half of shares. Mayor Densley also

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reported that the bank was willing to transfer all the shares without financing.

Town Clerk, Monica Bowcutt stated that the town accountant strongly opposed the purchase because the water budget only had \$16,000 and the town could not afford it. Mayor Densley suggested that arrangements could be made with the bank.

Kevin Stout, Canal Company President, stated that the canal had secondary rights and it was currently looking at the call in on the water rights. This would slow the flow to a tenth of what was owned.

Sean Amodt stated he was concerned anytime water shifted from private ownership to government ownership. This was because the Washington County Water Conservancy District tried to negotiate the purchase. Mr. Amodt asked that the WCWCD not be allowed to purchase the town water.

Mayor Bruce Densley stated he would pursue the issue further and see what could be negotiated with the bank.

14. Discussion of acquiring a 3rd water tank.

Mayor Densley stated that if the Dalton Wash property was sold for half a million, it could be used to purchase a third water tank. Rod Mills stated that the water study had identified an additional water tank as a capital facility need. The site had been identified across from the proposed hotel and would be hydraulically balanced. The town also needed to find money to fund new pipeline. Mr. Mills reported that it would cost about one million, one hundred thousand in capital improvements for the water system in the first sequence. He had applied for funding from the drinking water board. They agreed to fund the project with a 0% interest loan for 30 years. He would also like to partner with multiple agencies, including the USDA.

Mayor Densley stated that the town had been talking about putting in a new tank and running a new line to Desert Gardens. This would give a consist line to all of town and the ability to use all three tanks equally to balance out the entire system. The cost would be about about \$45,000 a year. If the town put about \$400,000 down, it would drop the payments to about \$15,000 a year. He suggested selling the Coal Pits property in order to put some money down.

Attorney Snow asked if the one million, one hundred thousand amount included property acquisition. Mr. Mill answered yes, it did.

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15. Discussion of sale of Dalton Wash Property.

Mayor Densley stated that the town had a lot of liability because the BLM had made the towns property a known location for trails and camping. Heath Snow replied that there was no liability unless it was a known dangerous condition. He added that the biggest fear/liability was fire danger, because the town would be responsible to pay for firefighting if a fire originated on the property. Mayor Densley stated he would find out from Chief Kulhman if that situation would come under the agreement with Hurricane Valley Fire District.

16. Engineer Update-Rod Mills.

Mr. Mills stated that there were a number of good projects going on around town that represented the relationship the town had through its elected officials and the efforts citizens were making on behalf of the town. He named the bus stop, Pocketville Park, warranty work on Kolob Road, and the relocation of the landfill as examples of healthy inter-local relationships. The Council and Mayor should pat themselves on the back for adding to the quality of life of town.

Mayor Densley asked the Council to talk to neighbors about their opinion on purchasing a third water tank. He wanted citizen input before the decision needed to be made. The Mayor also stated that selling the property would allow the town to acquire what was needed and be able to pay for it. Attorney Heath Snow stated that there were benefits to having the water spread out and the added storage. Rod Mill stated the town had fire flow issues, which would be resolved with a new tank and new pipe.

17. Council Comment:

Council Member Jay Lee asked why spending \$2,200 to have someone do a commercial impact fee study had not been brought before the Council. He wondered if it was appropriate to impose a commercial impact fee on the hotel when there was no ordinance for it. Attorney Snow replied that State law required a capital facilities plan and an impact analysis in order to assess an impact fee on residential or commercial developments. Most communities had a commercial impact fee. It was not known if the town had a commercial impact fee analysis completed. Council Member Jay Lee was concerned that the town was going to charge for ERU's and then also for a commercial impact fee. The Attorney and Mayor agreed that was not the case.

C. ADJOURN PUBLIC MEETING:

18. Approve motion to adjourn Public Meeting.

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Mayor Densley adjourned the meeting.

The Meeting adjourned at 9:11 pm.

Monica Bowcutt
Town Clerk

Approved:_____