

**FINAL MINUTES**

**VIRGIN TOWN COUNCIL MEETING**

**WEDNESDAY, July 27, 2016**

**6:30 pm-Work Meeting**

**7:00 pm Regular Meeting**

**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  
Wanda Leverett  
Rod Mills  
Lyman M Everett  
Larry and Lisa Stout  
Steve Masefield  
Allen B Lee  
Carolyn Matsler  
Bonnie Timmerman  
Darwin Hall  
Adam Pace  
LeRoy Thompson  
Lee Ballard  
? Lee  
Heath Snow-Town Attorney  
Gary Leverett  
Darcey Spendlove  
Sean Amodt  
Deborah Masefield  
Sue Crawford  
Chuck Matsler  
Shirlene Hall  
Cindy Escude  
Bill Swensen  
Rian Myrset  
Terrell Parrish

**ON SITE MEETING BMX Track at 6:15 pm:**

Mayor Bruce Densley and Council Members Matt Spendlove and Jay Lee were present at the BMX track. They discussed location of water lines, fence lines, and possible locations for a fish pond and ball fields.

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

**a. Discussion of BMX Track**

Mayor Densley reported that as soon as the fence was moved at the BMX Track, the additional 10 acre patent would be granted. He was also working on obtaining the other 70 acres for ball fields, trails, a fishing pond, archery range, dog park, RC/airplane track and equestrian center. The Mayor asked that citizens give input on what other uses should be included on the plan. The concept plan and environmental assessment must still be completed. This included showing how the property would be used in the future twenty years.

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**b. Discussion of Dalton Wash**

Mayor Densley stated the Council needed to decide how to fund the new water tank and town office/fire station building. He suggested that the new hotel would motivate the fire district to put in the new station sooner than expected. He also asked for new fire volunteers. Mayor Densley stated that it was going to cost around 1.3 million dollars to install the new tank and the larger pipe lines, which was about a \$45,000 per year payment. The Mayor stated that if the town could put approximately a half million down on the loan, the payments would be reduced to \$15,000 a year. He also reported that the fire district would cover the cost of a fire that started on the Coal Pits property. Council Members Dan Snyder, Jay Lee, and Matt Spendlove all stated they were good with either decision. After discussion, the Council agreed to look into the approximate value of the Coal Pits property and then decide whether to pursue selling or not.

**c. Discussion of Town Sign**

The Council discussed the welcome sign. They decided to gather estimates on how much it would cost to build.

Mayor Densley stated that construction on the new dumpsite would begin on Monday, August 1 and be completed by the fall.

He thanked everyone who had made the 4th of July a success.

He also thanked those who had helped with the dedication of the town square.

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

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

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

***Jay Lee moved to move agenda item #2 before the executive Session. Matt Spendlove gave the second. No roll call vote was taken. The motion passed unanimously.***

**2. Invocation/National Anthem (Pace Girls)**

Jay Lee gave an invocation. The Pace sisters sang the National Anthem.

**C. Motion to Close Public Meeting and Open Executive Session:**

**Executive Session: regarding vacating Rio de Sion**

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***Dan Snyder moved to close the public meeting and open an executive session too discuss vacating Rio de Sion. Jean Krause gave the second. No roll call vote was taken. The motion passed unanimously.***

The public waited outside the building while the executive session was being held. The meeting was held from 7:04 pm to 7:21 pm.

#### **D. Motion to Close Executive Session and Open Public Meeting:**

***Jean Krause moved to close the executive session and open the public meeting. Dan Snyder seconded the motion. No roll call vote was taken. The motion passed unanimously.***

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

No conflicts were declared.

#### **4. Open Forum: Limit 2 minutes per speaker.**

- \* Sean Amodt stated that he had written a letter to the Council about the lighting ordinance amendment which had been passed in June. He stated that it was not conducive to the dark sky ordinance and listed the four different problems in his letter.
- \* Cindy Escude stated that the ordinances would likely be passed that night, therefore, it was her last chance to say how she felt. She stated that the town had dealt with negative emotions regarding the referendum and short term rentals, which had gone into lawsuits. Neighbors were not talking to neighbors, and a lot of money, time, and effort had been spent. She felt it was to soon to bring up the two issues, Short Term Rentals and RV Parks, again. Ms. Escude felt the ideas were good, but had reviewed the zoning maps and felt the commercial zone should be condensed into one area. She felt finding one area, rather than splatters of camping, would be a better choice.
- \* Bonnie Timmerman handed a letter to the Council. She stated the zone being proposed was without a location. She outlined the ordinance pointing out that it stated 'location' many times, but was without a specific location. She also felt that the ordinance stated it was not in harmony with the general plan, which would need to be revised. She felt the ordinance should meet the general plan, not require the general plan to be revised.
- \* Steve Masefield stated that he had gone through the town using the GIS facilities on the St. George site and had produced an approximate map of potential properties that were over five acres in size, which could be used for RV's and campgrounds. He felt these were substantial areas of town. He stated the proposed zone standards were excellent, but when one saw the areas it could develop, it was out of control.
- \* Lee Ballard stated that the reason it was so important to put specific locations in zoning

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district ordinances was because the town did not have a future land use map. There was nothing that controlled it other than whoever might be making the decision. She felt it was scary for people until a future land use map was adapted or the Council was specific in the ordinances. She also made sure the Council had received the letter she had written to both boards.

\* Darwin Hall stated he had faith in the elected officials of the community. He felt that a good share of citizens would like to reduce government control, but zoning increased government control. He felt the P & Z and Council could approve a site that included a well built RV park. He did not see a problem with approving a nice facility.

\* Bill Swenson thanked Steve Masefield for the map because it showed the impact the new zone would have. He was appalled that the ordinance was down to five acres because camping sites could not be limited. He suggested the acreage be brought back up to 10 or more acres. He asked if the town should be saturated with unlimited campgrounds and RV locations. He stated the elected officials and appointed officials were not receiving public input and not following the 2016 survey. He also pointed out that the survey had not been adopted. He stated that the master plan should be adopted before the new zone was passed, not the other way around. He read from the town survey and the Utah League of Cities and Towns handbook, stating the Council was also not following the handbook. He asked the Council to not push the ordinance (or any others) down the pike too quickly and told the Council they were building a community, not a subdivision.

\* Carolyn Matsler stated that the P&Z had had a good meeting and good discussion. She felt that economics would take care of how many campgrounds came to town. She stated that the government did not need to regulate every little thing. She did not think there would be an issue of the town being overrun with campgrounds.

\* Sue Crawford stated that one reason she had moved from Springdale was because of the commercial development. She stated that if you build it, they will come and that people did not know what they had, until it was gone. She also told the Council they were paving paradise and she was not happy about it.

#### **5. Mayor's Comments ad Updates:**

Mayor Densley stated he had covered all items during the work meeting.

#### **6. Consent Agenda: Items #6a and b:**

##### **a. June 22, 2016 Draft Minutes**

Council Member Jean Krause stated she had a few minor corrections, which she would email to Darcey Spendlove.

##### **b. June Checks and Invoices**

No discussion.

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***Jean Krause moved to approve Consent agenda (items 6a and 6b), the June 22, 2016 Draft Minutes and the June 2016 Invoices and Checks. Dan Snyder seconded the motion. No roll call vote was taken. The motion passed unanimously.***

***Jean Krause made a motion to move Council Comments to agenda item 15. Matt Spendlove gave the second. No roll call vote was taken. The motion passed unanimously.***

#### **7. Request for 6 month extension on Building Permit-Wade Clifton.**

***Dan Snyder moved to extend Wad Clifton's building permit for 6 months. Jean Krause gave the second. No roll call vote was taken. The motion passed unanimously.***

#### **8. Adopting New Impact Fee Study-Rod Mills**

Rod Mills was present to discuss the impact fee study. Mr. Mills reported the study specifically addressed culinary water infrastructure. The draft study was complete. The process included calculating the asset value of the existing infrastructure, adding additional capital facility improvement and master plan costs. The calculations were significant enough, that so much detail was not needed, as per state code. Based on the calculations the impact fee for culinary water would be \$13,450 per equivalent residential connections (ERC). Mr. Mills stated that was not a reasonable amount to charge today. The other rationale of developing a culinary impact fee was based on connection size and equivalent number of connections based on ERC. That scenario in the study showed the range of values was from \$2,000 to \$60,000 which was based on 3/4 inch to 4 inch meter size. Mr. Mills stated that he was planning on doing a mock impact fee that would be based on the many possibilities.

Attorney Heath Snow explained that Utah Code did not require a town Virgin's size the same type of assessment or plan as larger communities had to do. He suggested that the town hold a public hearing to hear the citizen's comments on the study before it was approved.

Allen Lee, P & Z member, stated that Springdale had a formula on rooms that equaled housing units.

Monica Bowcutt, Town Clerk, clarified that she was to inform Stuart Ferber that the town had a pending impact fee ordinance and he would have to wait to know how much his motel fees would be.

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Council Member Jay Lee stated that Rosenberg had completed a Capital Facilities Plan update in 2008. Mr. Mills stated it had never been completed or adopted.

The Council agreed to have a public hearing on the completed study during the August meeting, after which, it would be possibly adopted.

***Jay Lee moved to table item #8. Matt Spendlove gave the second. No roll call vote was taken. The motion passed unanimously.***

**9. Recommendation to Town Council from P&Z to Approve Proposed Virgin Ordinance #2016-062216-1 Establishing a Historic Preservation Commission.**

Council Member Jean Krause reported that she had made the changes to the Historical Preservation Ordinance which had been discussed during the June meeting. Attorney Heath Snow stated that in order for the town to apply for grants the ordinance must be passed.

***Dan Snyder moved to approve Ordinance #2016-062216-1 Establishing a Historic Preservation Commission. Jean Krause seconded the motion.***

Council Member Matt Spendlove clarified that this was the same ordinance that was talked about during the June meeting and did not apply unless someone wanted to do it. Mayor Densley answered yes.

***Roll call vote: Matt Spendlove-Aye, Dan Snyder-Aye, Jean Krause-Aye, Jay Lee-Aye and Mayor Bruce Densley-Aye. The motion unanimously.***

**10. Possible approval and adoption of Rules of Order and Procedures.**

Attorney Heath Snow stated that he did not have the Rules of Order and Procedure ready to review.

***Dan Snyder moved to table adopting the Rules of Order and Procedures. Jay Lee gave the second. No roll call vote. The motion passed unanimously.***

**11. Recommendation to Town Council from P&Z to approve the Preliminary Plat for Virgin Acres Phase 2 Subdivision, located on 150 South, Virgin, Utah (Parcel Number: V-2-1-21-221211), Applicant: Vince and Danyale Blackmore.**

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Mayor Densley stated that all had seen the preliminary plat and all questions had been resolved for the Virgin Acres Phase 2 Subdivision located on 150 South.

*Jay Lee moved to approve the Preliminary Plat for Virgin Acres Phase 2 Subdivision, located on 150 South, Virgin, Utah (Parcel Number: V-2-1-21-221211). Matt Spendlove gave the second. No roll call vote. The motion passed unanimously.*

**12. Recommendation to Town Council from P&Z to approve Proposed Virgin Ordinance 2016-072716-01, an ordinance creating a new zoning district to be known as the "Camp Resort Zone" to be codified as Chapter 29 of the Virgin Uniform Land Use Ordinance ("VULU") and the integration of parts of Chapter 13 (RV & Travel Trailer Parks) into said Camp Resort Zone. Sponsor: Virgin Town.**

Mayor Densley stated that he felt the proposed camping zone would protect the town because its was not just automatic that anyone can obtain the zone. Council Member Dan Snyder stated that he appreciated the work that went into the document. His only hang up was the size allowed by acres. He also understood the marketing side of things. Council Member Snyder expressed appreciation for the map submitted by Steve Masefield.

Attorney Heath Snow, stated that before an RV park application could be made, a rezone must have taken place. A zone change was a legislative function, not an administrative, so it had a high probability of holding up in court if denied. If a zone change was granted, the applicant would have to apply for a Conditional Use Permit, which required a concept plan. This plan required several steps that must be followed before the CUP was granted. This process gave the town a lot of say, which would be upheld in court. Council Member Jean Krause responded that the decision to allow the rezone had the same high court standard. Town citizens were just asking for the zone to have a designated area.

Attorney Snow also stated that the camping use had not been included in the General Plan because it had not been on the radar when the Plan was created, but it would be next time, as per the ordinance.

Council Member Jean Krause asked about the language in 29.3.6 dealing with the General Plan. Attorney Snow answered that the clause was not binding and was wanted by the P & Z. The last sentence was deleted and it was clarified that it did not apply until the General Plan was revised. Council Member Krause asked why, in section 29.10, permitted uses was listed when the town did not allow permitted used. It was agreed to take 'permitted uses' out.

Numbering issues were addressed.

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Council Member Dan Snyder stated that 29.3.3 actually gave a fixed physical location. Mayor Densley and Council Member Jay Lee asked why the ordinance was limiting locations to North side of the River. Council Member Jean Krause stated that the survey was specific in asking about using property south of the river up to the foothills. Matt Spendlove stated that if it was changed to 20 acres then only about 2 people would be able to apply for the zone. He also stated that if a location was put into the ordinance, people could still ask for a zone change. Council Member Jay Lee brought up 29.1.4 discussing views. Attorney Snow stated that it was not a criteria and purposes were not law. Jay Lee also brought up 29.9.1f (set backs), which was a criteria.

Mayor Densley stated that the Water Conservancy District did not have any jurisdiction on town ordinances, therefore, 29.7.3g was deleted. Council Member Matt Spendlove asked about set backs in 29.9.1f. Attorney Snow stated that it was the towns way of allowing general distances, but also retaining the right to change on a case by case basis. Buffers, trees, 300 square foot sites, 20 feet of space between pads, more sinks than toilets, and ordinance number corrections were also discussed.

***Jay Lee moved to approve Ordinance 2016-072716-01, with the changes as tracked by Jean Krause. Matt Spendlove gave the second. Roll call vote: Matt Spendlove-Aye, Dan Snyder-No, Jean Krause-No, Jay Lee-Aye and Mayor Bruce Densley-Aye. The motion passed 3-2.***

**13. Recommendation to Town Council from P&Z to Approve Proposed Virgin Ordinance 2016-072716-2, an ordinance amending Chapter 13 (RV and Travel Trailer Park) of VULU to eliminate sections that will be integrated into Chapter 29 (Camp Resort Zone) upon the adoption of Proposed Virgin Ordinance 2016-072716-01.**

**Sponsor: Virgin Town**

The Council discussed approving an amendment to Chapter 13 to eliminate sections that would be integrated into Chapter 29. Attorney Snow explained that sections of Chapter 13 would be moved to Chapter 29, which had just been passed. On street parking was discussed and changed, including the numbering.

***Matt Spendlove moved to approve Ordinance 2016-072716-2. Jean Krause gave the second. Roll call vote: Matt Spendlove-Aye, Dan Snyder-Aye, Jean Krause-Aye, Jay Lee-Aye and Mayor Bruce Densley-Aye. The motion passed unanimously.***



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**14. Recommendation to Town Council from P&Z to Approve Proposed Virgin Ordinance 2016-072716-3, and ordinance amending Chapter 1 (General Provision and Introduction to Definitions) of VULU to add definition to defined terms used in Chapter 29 (Camp Resort Zone) upon the adoption of Proposed Virgin Ordinance 2016-072716-01. Sponsor: Virgin Town**

The Council discussed an amendment to Chapter 1, which added definitions to define terms used in Chapter 29. Council Member Matt Spendlove felt that the cabins should be allowed to have the same square footage as an RV. It was changed from 250 square feet to 300 square feet.

*Jay Lee moved to approve Ordinance 2016-072716-3, with the one change. Matt Spendlove gave the second. Roll call vote: Matt Spendlove-Aye, Dan Snyder-Aye, Jean Krause-Aye, Jay Lee-Aye and Mayor Bruce Densley-Aye. The motion passed unanimously.*

**15. Discussion and Decision regarding vacating Rio de Sion.**

*Jean Krause moved to continue item number 15, vacating Rio de Sion, for 3 months. It will be placed on the October agenda. Matt Spendlove gave the second. No roll call vote: The motion passed unanimously.*

Attorney Heath Snow asked if the Drew Harper Highway Resort Application had been placed on the agenda. Jean Krause answered that it had been given by Mr. Harper for information only.

**COUNCIL COMMENTS:**

\* Matt Spendlove asked what had been found out about the Highway Resort Zone with Kent and Monica Bowcutt and the other piece of property. The Mayor responded that he was still waiting for them to decide what they wanted to do. They had not indicated they definitely wanted to have it rezoned. LeRoy Thompson was working on the issue.

\* Dan Snyder asked if the man selling jerky and pictures had a business license. Town Clerk, Monica Bowcutt, replied that the county and town had permitted him. The town does not have a transient business license.

**E. ADJOURN PUBLIC MEETING:**

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**16. Approve Motion to Adjourn Public Meeting**

***Jay Lee moved to adjourn the public meeting. Dan Snyder gave the second. No roll call vote. The motion passed unanimously.***

The Meeting adjourned at 9:02 pm.

\_\_\_\_\_  
Monica Bowcutt  
Town Clerk

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