

Town of Virgin
Town Council FINAL Minuets
December 19, 2022

Council

Jean Krause – Mayor
Gene Garate
LeRoy Thompson
Mistie Baird
Paul Luwe

Attendance

Krystal Percival - Clerk
Heath Snow - Town Attorney
Stan Burt
Pat Galvez
Jennifer Long
Keith Fanta
James Densley
Sean Amodt
Ryan Anderson
Darlene Pope
Kent Peterson
Becky Galvez
Mark Eddington
Lee Ballard
Sirriah Anderson

1. WORK MEETING (6:32PM)

A. Discussion of Meeting calendar for 2023

Jene Krause talked about the new dates for the meetings next year. 1. If we would like to move our meeting to a different night other than the 4th Wednesday of the month. 2. Wanted to see if we would have our work meeting on a separate night. LeRoy Thompson stated that he was ok with having it done a different night. The 3rd Tuesday of the month will be the town council meetings and the 2nd Thursday of the month will be a work meeting.

2. REGULAR MEETING (7:00PM)

A. Call to Order/Pledge of Allegiance/Opening Thought or Prayer – Mistie Baird

B. Declaration of Conflicts of Interest – Mistie Baird, Jean Krause, Gene Garate, LeRoy Thompson, Paul Luwe all have a conflict of interest with 3A. Ordinance 2022-12 “But under the rule of necessity all can act since they are the only body that can make this decision”.

C. Council Comments

Jean Krause talked about the lights at Desert Gardens will have the lights off starting January 3rd for two weeks. She also stated that we now have trash pickup past the 101 bridge. For the people who live on Pocketville road, she also has ordered some rumble strips to help with the speeding. She would like some input on where to place the rumble strips and signs for each set of strips. She also stated that she is aware about the 4plex being built on Pocketville Road. Heath Snow stated that he wrote an email to the county attorney about a resolution that has been passed by the county, taking over maintenance on class B roads in Virgin and why no notice was given to the town. He did find out that this was only for Sheep’s Bridge Road. From what he understands, when they oversee the roads, they do this by resolution. The County assumed that everyone was good because of previous resolutions. Health snow gave them some positive feedback by suggesting that from now on the make the Town aware. LeRoy Thompson went over the town financials. He stated there was a glitch in our program and it did not report the water bills income. He did talk to the CPA and will be coming in this week to update it.

D. Consent Agenda

- i. Approval of Minutes from November 16, 2022 Town Council Meeting
- ii. Approval of Checks and Invoices for November 2022

LeRoy Thompson made motion to approve the minutes and checks and invoices / Mistie Baird seconded.

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

- Passed

E. Open Forum Lee

Lee Ballard talked about what a STR overlay is, and what was talked about in the last Planning and Zoning Meeting. She also talked about the septic and bedroom size for a short-term rental

James Densley asked a question if it was possible to move any of the lights. He stated that he lives on a corner and they miss his driveway and pull into the neighbors driveway to turn around. He feels that is a safety issue He also stated that he is for forgiving of the overpay.

3. OLD BUSINESS

- A. Ordinance 2022-12, An Ordinance Forgiving Overpayment of Compensation to Virgin's Elected and Appointed Officers for the 4-year period from July 2018 to June 2022 Due to Failure to Amend Compensation by Ordinance and Hold a Properly Noticed Public Hearing.

Jean Krause stated that she did talk to the attorneys at the ULCT, they stated that the current acting body can act on this.

Mistie Baird made motion to table and to reset a public hearing to January 2023 / Paul Luwe seconded
No Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

-Passed

- B. Ordinance 2022-?, An Ordinance Amending and Restating Sections 2.12, 2.20, 2.22, 16.20 and 16.22 of Virgin's Uniform Land Use (VULU) Ordinances Regulating Enforcement of the Provisions of this Code.

Jean Krause stated that this was tabled in the planning and zoning meeting. Heath Snow stated that because it was only one month, and this was the first-time planning and zoning has tabled this. That we should give them sometime to work on this. Jean Krause stated there is no need for planning and zoning to fiddle with this it should be a yes or no.

Paul Luwe made motion to table this to January meeting / LeRoy Thompson seconded
No Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

-Passed

C. Ordinance 2022-?, An Ordinance Amending Section 16.22.F. Casita/Guest House.

Lee Ballard stated that she is confused, why are we amending so many definitions in our code. We have had a staggering number of amendments over the past couple of years. We need to update the code before we make more definition changes. Darlene Pope stated she remembers being at the planning and zoning meeting for this and she believes that these changes are to update with the state code. For a casita to be larger or just as large for as the primary residence is not ok. Lee Ballard asks not to change anything until we have clarification on this. Sean Amodt stated that this is the state code. And we did review the state code. This is for an internal dwelling unit. Jean Krause read the state code, she stated that yes this is only for internal footprints of the dwelling. She also stated that in the past two years our ordinance has been changed 6 times. Given that the code is not up to date online, and how can the public know if this is accurate? The only way we can know is to go through this book and read all the ordinances and see what they say. Heath Snow asked why are we so backed up? Gene Garate stated that he is behind. Jean Krause stated that since June of last year no ordinance has been updated. And suggest that we should not be voting on any ordinance that is changing an ordinance until online is updated. Gene Garate stated that this is not apart of the zoning administrators' job, and he has been nice and took on this project. Paul Luwe stated that this is not being very transparent. He doesn't see a rush in doing this unless its updated online.

Paul Luwe made a motion to table this ordinance until January 2023 until the ordinances are updated online/ Jean Krause seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson – NAY Because se has seen what P&Z has done with this.

Gene Garate -NAY

Paul Luwe -AYE

-Passed (3/2 Vote)

D. Ordinance 2022-?, Proposed amendments to Section 2.12, Definition Changes L-Z.

Paul Luwe stated let's not try and do this all at once and do it one section at a time. Gene Garate stated that according to the arguments that have been given tonight we should treat this as all the rest.

Paul Luwe made a motion to table this ordinance until January 2023 until the ordinances are updated online/ Jean Krause seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - NAY

Gene Garate -NAY

Paul Luwe -AYE

-Passed (3/2 vote)

4. NEW BUSINESS

A. Ordinance 2022-?, An Ordinance Amending Virgin Town's Official Zoning Map by Re-Zoning Parcel V-2-1-21-2102 (Currently Rural Residential Zone) to Commercial Zone.

Jean Krause read a letter of support from Jeffery Herrick (he lives behind the Longs)

Paul Luwe stated he thinks this should be commercial, but only some things can fit into commercial property. This is a small property and maybe we need to add a limited commercial property to allow smaller businesses within smaller lot sizes. Sarah Anderson stated that they do have one acre and that this is the only way for the Longs to sell.

Gene Garate stated he is very much in support of this zone change. Gene Garate stated that UDOT stated they would need to fix the road to allow commercial property onto this property. Jennifer Long stated that she has an easement behind her house, and it was blocked because the neighbor built a shed in the easement. But she does have a legal easement.

Jean Krause stated that the Longs just need to disclose that they will have problems with UDOT regarding access to their property.

Gene Garate made motion to approve the zone change with the changes in the ordinance to make more since / LeRoy Thompson seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -NAY

-Passed (4/1 Vote)

B. Ordinance 2022-?, An Ordinance Amending Chapter 8.30.B Zoning District Height and Setback Regulations.

Paul Luwe stated that we need to be consistent with the rest of the ordinances.

Sean Amodt stated that things need to be done in a timely matter.

Paul Luwe made a motion to table this ordinance until January 2023 until the ordinances are updated online/ Jean Krause seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - NAY

Gene Garate -NAY

Paul Luwe -AYE

-Passed (3/2 Vote)

C. Ordinance 2022-?, An Ordinance Amending Chapter 8.26 Maximum Height of Accessory Buildings from 20 to 25 feet.

Sean Amodt stated that planning and zonings recommendation was to deny this.

Paul Luwe made a motion to table this ordinance until January 2023 until the ordinances are updated online/ Gene Garate wanted add amendment to include the rest of the agenda items. NO Seconded – Motion Failed.

Paul Luwe made a motion to table this ordinance until January 2023 until the ordinances are updated online/ Jean Krause seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - NAY

Gene Garate -NAY

Paul Luwe -AYE

-Passed (3/2 Vote)

Lee Ballard stated that she thinks that no one is suggesting that P&Z isn't doing their job, it has nothing to do with how it was written, just the mess that we have to get everything updated.

D. Ordinance 2022-? Deleting Chapter 60.02 (Short-Term Rental Overlay) from VULU.

Jean Krause stated that this has been at planning and zoning for several months and nothing has been done. Proposing that pursuant to state code: 10-9A-302-4 to have this on a work meeting and work on this. Gene Garate stated why send stuff to planning and zoning when we don't act on items. We should not eliminate this. He feels we should deny this completely. He feels that this is too broad, Mistie Baird agrees that this is too broad, but feels we need to have a cap. Jean Krause asked if a moratorium needs to go to planning and zoning Heath Snow stated NO. By pulling this from P&Z this is a recommendation as a denial, and there is a time limit as to which these things are to be done. Bronwyn Wallace stated that planning and zoning has dragged their feet and this is a very complicated issue. She stated that we need to get a moratorium on short term rental, so we have time as too many things are happening. Lee Ballard was wondering if its possible to table this and include a moratorium with applications? The STR overlay impacts the overall land. She also feels the residential growth should stay at 1 per acre. Paul Luwe asked Bronwyn Wallace for clarification she stated that any new requests for a short-term rental would be part of the moratorium.

- A discussion with the attorney and council about the STR.

Darlene Pope asked if the moratorium would also apply to commercial as well? Pat Galvez said that things have happened, and there are developers that are getting angry and panicky. He stated that he just wants to make sure we have water in Virgin. Virgin Town is overcome with STR's, we need to slow it down and get things under control. We are in a tough spot. Its just getting to get too much here.

Council talked about doing a pending ordinance.

Gene Garate made motion to invoke the pending ordinance doctrine to January 12, 2023 / Paul Luwe seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

-Passed

5. CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED)

6. ADJOURN MEETING (9:00PM)

Mistie Baird made motion to Adjourn meeting / Gen Garate seconded / all AYE no NAY

- No roll call vote was taken

Approved: 1/17/2023


Krystal Percival Clerk /Recorder