

Virgin Town
Town Council
Final Minutes November 16, 2022

Council

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

Attendance

Krystal Percival -Clerk	
Wyatt Lee	Adele Pincock
Marci Holm	Jay Lee
Kent Peterson	Pat Galvez
Bob Kelly	Shaunna D
Lenny Brinkerhoff	Amber VanAfton
Matt -Ash Creek	Ryan Anderdon
April MeKeon	Kalab Spendlove
Bronwyn Wallace	Matt Goodrich
Sean Amodt	Darlene pope
Stan Burt	Keith Fanta

1.WORK MEETING (6:01PM)

A. Presentation by Mike Chandler of Ash Creek SSD

Matt From Ash Creek talked about somebody politic that has come up. What it means to be a body politic is when a subdivision has come together, and someone has come (body Politic) that can run that system. Virgin is not part of the septic system; Ash Creek is not willing to be the body politic for Virgin. Recently they have been talked to about a subdivision (12 lots) on Pocketville Road, Ash Creek will not be a part of that because Virgin is not apart if the special service district. A letter was read. (See the attached document in the town office).

B. Discussion by Town Council if time allows

Jean Krause made a motion to amend the agenda and add talk about the Jennifer Long Zone Change, Gene Garate seconded

Jennifer came in a while back with a zone change and it never went all the way through as it was a recording issue with stating on the map her land was under a one acer. It has now been updated and she will restart the process and it will go the commission and then to the council in December.

2.REGULAR MEETING (6:59PM)

A. Call to Order/Pledge of Allegiance/Opening Thought or Prayer -LeRoy Thompson

B. Declaration of Conflicts of Interest – Jean Krause, Gene Garate, LeRoy Thompson, Paul Luwe, Mistie Baird – All have a conflict of interest with ordinance 2022-12. Because they all have a conflict the council will still act as the decision maker because they are the only body that may act on this item.

C. Council Comments

i. Updates by Mayor and other council members

Jean Krause Stated we did get the grant for the new roof for the town office building, The town engineer has prepared a map of our water system. Arcgis system she encourages the residents to go look at it. Paul Luwe stated that he has some things that the clerk printed off for the council to look at on the proposed tax increase of the HVFD. LeRoy Thompson went over the budget. Gene Garate stated that things have slowed down in the town as far as building.

D. Consent Agenda

- i. Approval of Minutes from September 28, 2022, October 14, 2022, and October 26, 2022, Town Council Meetings -
- ii. Approval of Checks and Invoices form October 2022
Leroy Thompson motion to approve the minutes with the changes of the minuets sent to the clerk and the checks and invoices / Paul Luwe 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

Stan Burt stated that he is not very happy with the town maintenance guy as the town had a water leak where he lives, and he has not cleaned up his mess.

Jay Lee gave a mosquito abatement update.

Cameron Spendlove wanted to know if we could add light to the steps outside the old church on the side. He would like the council to adopt a way the HOA can evict someone from their home. There was a member of the community that was sent a letter of evection because of their landscaping and dog kennel. The HOA sent this to the homeowner.

April Mckeen Asked if there was another way to look at the overpayment, to have a 3rd party look at this. Jean Krause stated that she will call the ULTC and see what they suggest.

Bob Kelly 20 plus year resident of the community he wanted to congratulate the council about how they have handled the money/overpayment and that they have not pointed any fingers.

Second as a caring community we do have an obligation to make efforts to promote “supported enablement” he is asking to have the wording added to the public agenda that the wording be modified to reflect an appropriate level of inclusiveness and always with a goal to avoid any potential injury or insult to any individual.

F. Discussion and possible approval of Memorandum of Agreement (MOA) with the Bureau of Land Management (BLM). **Accept public comment, motion, and vote**

Amber Vanafton and Shaunna Doe is here with the BLM and talked about the MOA. She talked about the historic stie. Shaunna Doe talked about the proposal of the lease for the land this was several years ago, and the town did not have money at that time. There will be a competitive bid for the appraised price. The town can try and bid on that to get the land. If no one bids than they will look at going through the process of a lease with the town. She can not tell what the price will be because it has not been notified by the public.

Kent Peterson thanked the BLM ladies for coming.

Paul Luwe made a motion to approve the MOA for the Mayor to sign

LeRoy Thompson seconded

Roll Call vote was taken:

Jean Krause - AYE
Mistie Baird – AYE
LeRoy Thompson - AYE
Gene Garate -AYE
Paul Luwe -AYE

- **Passed**

3. OLD BUSINESS

a. CLOSE PUBLIC MEETING AND OPEN PUBLIC HEARING

Mistie Baird made the motion / LeRoy Thompson seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

- iii. Take Public Comment on 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 Notice Public Hearing.

Pat Galvez Stated that Virgin did not comply with the two Utah codes and one Virgin code. They are laws and they should have been followed. These laws where not followed, we should find another outcome than forgiving and should have a third party look at this. This current ordinance should uphold the laws like the council stated that during the memorandum because the law is the law due to a technicality. But stood by that because it is the law. He stated that you were sworn to uphold the law. Complete forgiveness is not ok and that is not the law. Your decision here is important and should uphold the law, the prior Town Council did not uphold the law. Will you be consistent, or will you be inconsistent with following the law?

Jean Krause read a letter

I was extremely disappointed in our Town after hearing about the salary increases in the past 4 years. But even more disappointed that the ones who voted in the illegal changes are not stepping up to the plate and voluntarily returning the funds. The money came from taxpayers and is not theirs if it was done incorrectly. The percentage increases were astronomical and unheard of. And I don't believe they should be the ones to vote on the outcome. During the Spendlove regime the town grew suspicious of a lot of activities involving the town council and planning and zoning committee. I can only guess that this is not the only item that will be uncovered. I'm suggesting that specifically the ones who voted in the change, return the funds voluntarily, as no one wants to sue or be sued (as referenced in the newspaper article) OR going forward they do not take a salary. These folks should have the integrity to figure out what's the right option for the taxpayers. Best regards, Charles and Cheryl Sliger

Bob Kelly stated that he has heard about this for two weeks, and he feels that its slanderous. The article from the Tribune and stated it was wrong. He stated the article is wrong they left out the word former. The second part of the article states that it increased the pay 200 plus percent, and it should have stated in the past, it is making this sound bigger than what it was. This publication is a big piece of crap and it's wrong! Stop defending something you didn't even do, and it wasn't wrong.

Darlene Pope said I hear what the resident has to say, and I understand some of both. I know if I say I didn't see the traffic sign I still broke the law. How can we use this as an opportunity to acknowledge a mistake and still respect the law. Everyone is equal under that. It's a big challenge.

Adele Pincock stated that she wanted to thank her former residents for speaking up. Does this have to be all or nothing? I get that it's a tricky situation. Is the Clerk included in this? We should consider a penalty if the rules are not followed in the future. It does matter 78,000 is a lot of money. I would like to know if the current salary form is available to the public. We should have the dates on when the ordinances changed.

Kent Peterson stated that he thinks the council should have a third party look at it.

Sean Amodt stated that this was addressed many times during the public meetings and talked about during the budget meetings. He stated that he is fine with putting it at zero for everyone.

b. CLOSE PUBLIC HEARING AND RE-OPEN PUBLIC MEETING

Mistie Baird made the motion / LeRoy Thompson seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

- iv. Discussion and possible approval of 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 Notice Public Hearing.

Motion and Vote

Jean Krause stated that with all the changes that were made she wants it to be continued to next month because she has made so many changes to the ordinance. Paul Luwe agreed.

LeRoy Thompson made a motion to continue ordinance 2022-12 to December's meeting. Gene Garate seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

-Passed

- v. Discussion and possible approval of Resolution R2022-O A resolution Appointing Fifth Member of the Capital Improvements Committee. ***Accept public comment, motion and vote***

Paul Luwe made motion to approve R2022-O Gene Garate seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

-Passed

- vi. Discussion of Code Enforcement Office job description. ***Accept Public Comment.***

Gene Garate made motion to move discussion of code enforcement job description to December's meeting

Jean Krause Seconded

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

4. NEW BUSINESS-

- vii. Discussion of problems with final plat for Observation Estates as well as Short-Term Rental Overlay Zone change.

Jean Krause stated that this process for observation Estates was not done even though it was filed with the county. She stated that it was clear they wanted Short Term Rentals.

Ryan Anderson said this was recorded a year ago and all the lots have been sold. He stated he still owes his portion of the bill for the paving and wanted to know what and be done to get this fixed.

Gene Garate stated that he sent everything through commission and was unaware of having it be a zone change.

Paul Luwe stated that someone needs to be held accountable as the final plat never went through a public hearing. He feels there is more to this than a simple mistake. Gene Garate stated that we need to listen to the meetings.

Jean Krause stated that she went through everything on the public notice website along with all the minutes in the office. Gene Garate stated we should get the town's attorney involved and see what he thinks. Paul Luwe stated that Heath Snow would have a conflict of interest because he signed the final plat. He feels that an independent attorney would be the best option.

This will be continued to the December meeting. The Town will check with the town attorney to see if we can move the Town Council meeting for December meeting Date December 19, 2022.

-Items vii, ix & x was not discussed.

- viii. Discussion: Proposed amendment to Section 16.22.F Casita/Guest House

- ix. Discussion: Proposed amendment to Section 2.12, Definition Changes L-Z

- x. Discussion of Resolution R2022-P, Construction Meter Agreement (we will not get to this, so I have not uploaded the proposed resolution. I just want this noted on the agenda for next month)

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

ADJOURN MEETING (9:08pm)

Mistie Baird made motion to Adjourn meeting / LeRoy Thompson seconded / all AYE no NAY

- No roll call vote was taken

Approved: 12/19/2022


Krystal Percival Clerk / Recorder