

Town Council Meeting
November 20 2023
Final Minutes

Council

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

Attendance

Krystal Percival-Clerk
Heath Snow- Attorney
Kim Kietzman-Permit Clerk
Rod Mills, Cameron Spendlove
Jim Kietzman, Sean Amodt

Online

Lee Ballard
April McKeon
Charles Matsler
Monica Bowcutt
Jenny, Niles Ritter, Tom

**A. CALL TO ORDER 6:07pm Jean Krause /PLEDGE OF ALLEGIANCE Mistie Baird /OPENING THOUGHT OR PRAYER
LeRoy Thompson**

B. DECLARATION OF CONFLICTS OF INTEREST NONE

C. CONSENT AGENDA

1. Approval of Minutes from October 17, 2023 Town Council Meeting
2. Approval of Checks and Invoices for October 2023

LeRoy Thopson made a motion to approve consent agenda / Jean Krause seconded / All Aye / No Nae

D. OPEN FORUM: NO Comments made

Limit 2 minutes per speaker, may talk about anything NOT on the agenda.

E. COUNCIL COMMENTS

Paul Luwe stated that the Fire Board is working on the budget for the new year.

Jean Krause stated that even Solid Waste is raising rates. The town clerk sent that out to the town in an email a month or so ago about the rate increase. The mayor recently spoke with a representative from SITLA and 40 acres of SITLA land are located at the top of the LaVerkin twist are under contract and they plan to build a hotel. LeRoy Thompson talked about the finances for the town expenses. The town spent over the budget on the town hall's renovations. Town revenue is down. Leroy has spoken with people in Springdale, and they have had less people in their restaurant. This is to be expected as the surge that covid brought in has abated.

PUBLIC HEARING:

Jean Krause made a motion to close the public meeting and open the public hearing / LeRoy Thompson
Seconded / All Aye / No Nae

A. ACCEPT PUBLIC COMMENT FOR ITEMS 1 & 2

1. To receive input from the public with respect to the increase in water rates necessitated by the repayment of the loan/bonds issued by the Division of Water Quality for the construction of the East Water Tank. See proposed Resolution increasing water rates.

This public hearing item to be closed as of this date.

Sean Amodt stated water is always a fun issue, in the past we changed the rate of the water because we needed new infrastructure, but it looks like only 25% went to that. We then went to a tiered system. I'm glad this went to a base rate increase. Is there any guarantee that new growth will help pay for the new loan and if it's paid off will water rates be reduced?

2. To receive input from the public with respect to the amendment of the Virgin Town Fee Schedule for construction-related fees as well as home occupation fees.

This public hearing items to be closed as of this date.

Sean Amodt asked about the conditional use permit fee. Is it only for building? What about a previous building that just wants to change the use of it? Would you consider looking at having two fee types? The other question on home occupation is whether you must have this along with a business license.

Loren Campbell submitted a comment via email: "I am in favor of the changes to Town Fees except for the annual renewal of the home occupation permit. We pay other fees to the town such as our water connections and property taxes, but requiring residents to apply for and pay an annual fee seems unnecessary, especially when there seems to be no enforcement of any other provisions."

REGULAR MEETING:

LeRoy Thompson made a motion to close the public hearing and open the public hearing / Jean Krause seconded / All AYE / No NAE

NEW BUSINESS:

A. MOTION AND VOTE FOR ITEMS 1 - 3

1. Resolution 2023-XX: A Resolution to Increase Virgin Town Water Rates

Discussion, Motion and Vote

Jean Krause stated that this is a 30-year loan. And yes 100 % of the money will have to go to this loan. Heath Snow stated we will have to eliminate the east water tank impact fees that we were saving for that will now go to another project. Paul Luwe said he is concerned about the increase's effect on low-income residential users, but the need for and benefits of the water tank to increase water pressure and provide fire protection outweigh the small increase.

Paul Luwe made a motion to approve with the following provisions:

- A. Culinary Water Rates. Effective January 1, 2024 ("Implementation Date"), the Residential & Commercial Culinary Water Base Rates and the Standby Culinary Water Rate shall be amended as follows: (Insert Table). I would also indicate in the table that the Residential Water Base Rate is based on a detached Single-Family Dwelling (capitalized as this is a defined term in VULU).
- B. Monthly Base Rate and Additional Usage Allocation. The monthly base rate and additional usage water allocation established in Virgin Town Resolution R2019-C shall remain in full force and effect.
- C. Repealer. This Resolution shall repeal and supersede all portions of prior resolutions governing the same that are in direct contradiction hereto.
- D. Severability. If any provision or clause of this Resolution or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Resolution are declared to be severable.

- E. Effective Date. This Resolution shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

Jean Krause seconded / Roll call vote:

Jean Krause- AYE

Gene Garate -AYE

LeRoy Thompson -AYE

Mistie Baird – AYE

Paul Luwe – AYE

Passed

2. Resolution 2023-XX: A Resolution to Amend the Virgin Town Fee Schedule

Discussion, Motion and Vote

Heath Snow stated that in the past in VULU in certain zones you would have to get a permit along with a business license. Like in Rural Residential Zone, Because of what the business license may be. This is because if we have someone who has complaints or such, they can lose their permit and therefore will lose the ability to obtain a business license. Paul Luwe asked about what the third-party review fees will be. How will they know when it states TBD, Heath Snow stated usually the engineer will look at it and give a price and then we can let them know how much the fee will.

Paul Luwe made a motion for approval of the fee schedule change with a provision being added that clearly indicates that all other portions of the Town's Uniform Fee Schedule not modified by this resolution shall remain the same. / Mistie Baird seconded. Roll call vote:

Jean Krause- AYE

Gene Garate -AYE

LeRoy Thompson -AYE

Mistie Baird – AYE

Paul Luwe – AYE

Passed

3. Resolution 2023-XX: A Resolution for the Purpose of Adopting the Revised Virgin Town Employee Policies and Procedures Manual

Discussion, Motion and Vote

Paul Luwe made a motion to approve with the following amendments:

In the first "whereas" of the resolution delete "section ? of"

In Section 1 of the resolution delete "as a general policy guide."

Jean Krause seconded / Roll Call vote:

Jean Krause- AYE

Gene Garate -AYE

LeRoy Thompson -AYE

Mistie Baird – AYE

Paul Luwe – AYE

Passed

DISCUSSION ITEMS:

B. DISCUSSION

4. Report from 4-person committee reviewing and suggesting potential changes to Ordinance 2023-XX Amending Chapter 60.04 limiting number of bedrooms and occupants

Gene Garate stated that we have this ready and should have this ready for public comment to review at the next planning and zoning meeting. Jean Krause asked where her ordinance is that she proposed, they stated that it's still her ordinance it just has changes to it and needs to have a public hearing. She also wanted to know about the number of bedrooms and occupancy capacity. Gene Garate and Mistie Baird stated that we will have it ready next week to give to the clerk for planning and zoning to review for a public hearing.

5. Need to amend budget in December for contribution to groundwater study, treasurer salary, new doors for the town hall, employee Christmas bonuses, town hall renovation.

Jean Krause stated that we will need to amend the budget due to some expenses that have arisen such as the town's 20K contribution to a groundwater study. She would also like LeRoy Thompson to continue as the town treasurer after he is off the town council so we will need to include a salary for him. The council talked about having another public works person help Chase and the need for a second public works person for the town. They talked about the town hall renovations budget and what must be discussed next month. We also put \$17k for the Kitchen renovation for the hood and stove, the bids are a little higher than what we had planned.

6. Review of Capital Improvements 1- and 5-year lists. Town Council will need to approve and adopt at December meeting.

The Council talked about the plans for Capital Improvements and what they have worked on. The clerk will update in the SharePoint folder the separate projects such as Streets-Roads, Parks, Water, Building, and Other. The council will look at these and talk about this in the next meeting in December.

7. Ordinance 2023-XX: An Ordinance Amending Section 60.06 of the Virgin Uniform Land Use Ordinances.

Ordinance submitted by Sean Amodt, Planning & Zoning Commissioner

Jean Krause stated that this would be taking a step backwards because we already approved of having Bruce Jenkins being our town's appeal authority person. This way it is not the town's decision, and it is not affecting our own neighbors. Paul Luwe stated that he agrees this should go to a Third party and someone who is neutral. We can have a fee if you are a resident vs. nonresident or a different fee schedule. LeRoy Thompson stated that the 15 days is a good thing but agrees that it needs to go to Bruce Jenkins.

8. Discussion Item: Ordinance 2023-XX: An Ordinance Amending Section 2.30 of the Virgin Uniform Land Use Ordinances

Ordinance submitted by Sean Amodt, Planning & Zoning Commissioner

The Council discussed this ordinance. Cameron Spendlove stated that this was a 3/1 vote with the planning commission. Cameron Spendlove stated that he was not for 45 days. Mistie Baird asked what about 90 days? Cameron Spendlove stated that if you are going to make it 90 days you should make it 105 days, so you have the time difference in between the meetings.

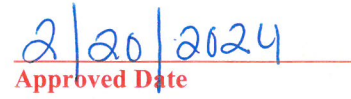
CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED)

ADJOURN MEETING 8:51pm

Motion to adjourn public meeting.

Paul Luwe made a motion to adjourn the meeting / Mistie Baird seconded / All AYE / No NAE


Krystal Percival Clerk/Recorder


Approved Date