

Virgin Town
Town Council
January 16, 2024
Final Minutes

Council

Jean Krause-Mayor
Paul Luwe
Mistie Baird
April McKeon
Marci Holm

Attendance

Krystal Percival- Clerk
Heath Snow-Attorney
Darlene Pope, Valerie Wenz,
Larry Mcray, Carol Boissonnault
Jim Kietzman, Lee Ballard
Cameron Spendlove
LeRoy Thompson, April Gates
Kent Peterson, Bronwyn Wallace
Paul Gooch,

Online

AA, August Lee, Jeff, Jim,
B Stauffer, Ed Griffin, JL,
Gary Leverett, Dave Gardner,
Julie, John Huber, Lacey, Sean
Ruth Akkerman, Bonnie
Wanda Leverett, Monica
Bowcutt, Mariann Crowell

REGULAR MEETING: 6:02pm

A. CALL TO ORDER Jean Krause /PLEDGE OF ALLEGIANCE

B. DECLARATION OF CONFLICTS OF INTEREST NONE

C. CONSENT AGENDA

1. Approval of Minutes from November 20 2023, & December 19, 2023 Town Council Meeting

Paul Made a motion to move the minutes to Item 3 below in order to separate the minutes out of the consent agenda. Jean Seconded

All AYE/ No NAE

2. Approval of Checks and Invoices for December 2023

April McKeon Made a motion to hold off check and invoices to February / Paul Luwe seconded / All AYE / No NAE

3. Minutes November 20 2023, & December 19, 2023 Town Council Meeting

Paul Luwe made a motion to approve the November 2023 and December 2023 minutes/ Jean Krause seconded / April McKeon and Marci Holm Abstained / Mistie Baird, Paul Luwe, Jean Krause: AYE

D. OPEN FORUM

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

NONE

E. COUNCIL COMMENTS

Jean Krause stated that she had a full day, she went to St George for two meetings. Dixie MPO did approve us to be a member of Dixie MPO. The new planning commission will need to amend our code 52.06 (b). She wants them to start the process. HB85 will have an E-bike regulation and the Planning Commission needs to look at that and have our code match HB85. Our Congressional Representative, Celeste Malloy, is focusing on 2 issues for Washington County: Appropriation of money for the paving of Sheep Bridge Road, and the re-

establishment of post offices in small towns where post offices were closed. In addition, funding was extended for surveying of Sheep Bridge Road and the acquisition of Rights of Way along the same road.

PUBLIC HEARING:

Mistie Baird made a motion to close the public meeting and open the public hearing / Marci Holm seconded / All AYE/ No NAE

A. ACCEPT PUBLIC COMMENT;

1. Annexation into Ash Creek Special Services District

Lee Ballard said I understand we will have to join the sewer district. In addition to the costs what will the residents have to pay for a connection fee? She suggests that we could get more input and wait on this.

Kent Peterson said he believes that Virgin is considering annexation into Ash Creek because Virgin has allowed commercial development before fully understanding the impact and requirements for infrastructure particularly sewer. Now it seems Virgin, and its residents and landowners are going to have to pay for this failure.

Scott Wittwer said we should stay on septic and have our lots stay bigger.

Cameron Spendlove said he supports annexation into Ash Creek because we need to accommodate for business coming in and do our part in the river's quality. He said that if someone's septic has been in over 15-20 years your septic system has failed. Homeowners only think that the septic has failed when it backs up into their house, but that is not necessarily true. He does not support having smaller lots but does support joining Ash creek.

Carol Boissonnault asked what is the current standby rate? Where will it stored not treated? What constitutes nearby? What is the current sewer connection fee? Does this amount include the 2024 rates? What is the current cost to install 50ft of line? Is the cost solely responsible to the homeowner? What is the current cost for a 3-bedroom house? How is the decision affordable to the average person? Isn't it the developer's responsibility to do the research them self-first? Why is pressure being put on Virgin and its residents? Why is established businesses having septic problems?

Drew Scheltinga thanked the mayor for meeting with Ash Creek. He asks, where do we stand with Ash Creek and where do we stand as a community? This is important and it is important that it is done right. We need to get someone in charge and soon. Virgin needs to go for some grants. There is a cost issue, and he knows that Ash Creek will do a lot for us but what part will they play? We do not want anyone to suffer with extensive costs. He does support bringing sewer to town.

Justin Christensen stated that I think it's important to be aware that if we are going to join the water pooling agreement, we need to join Ash Creek.

Paul Gooch stated that he grew up in Mona and when developers came to town, they had to have sewer. He just spent a ton of money for a new septic system. Please do not make him connect to sewer.

Darlene Pope stated she appreciated everybody's comments for supporting and not supporting. Right now, she is not supporting. She agreed with Mr. Gooch that this is putting development on the back of residents. She talked about how much the cost could be to her. She knows there are a lot of people that are way less well off than she is, and this would be a burden to her. We need to see what our water quality is first. The residents' needs always seem to come last. She hopes the town does not rush into this. There are more citizens here than developers.

Mistie Baird Motion to close public hearing and open the public meeting / Marci Holm seconded / All AYE / NO NAE

LeRoy Thompson (Treasurer) gave an update on the budget; he gave the council a printout and breakdown of his report.

NEW BUSINESS:

A. ACCEPT PUBLIC COMMENT; MOTION AND VOTE FOR ITEMS 1 – 7

1. Approval of Resolution R2024-A: Appointments of New Members to Planning Commission and removal of alternate.

Paul Luwe states that he has met with these individuals, and he thinks they will be great. April McKeon stated that she agrees with what Paul Luwe stated, "All three will be great." Marci Holm stated that she had known Valerie Wenz for years, she has experience being on the planning commission in the past and did a great job and would continue to be great. She also spoke with Larry and thinks he will bring a new and different perspective. Darlene has been involved in the town and is a great representative for the residents. They will be great. Jean Krause stated that we need to remove -Istock from Valerie's last name and add 4.20 to the resolution where it was missing from two of the whereas. Larry McRae informed the council that his legal name is "Lawrence" on his certificate.

April McKeon made a motion to accept the resolution, removing the Istock from Valeries name and change Larry to Lawrence, and add VULU 4.02 to 5th whereas and to the section about the alternate. / Paul Luwe Seconded

Roll Call Vote:

Jean Krause – AYE

Paul Luwe – AYE

April McKeon – AYE

Mistie Baird – AYE

Marci Holm – AYE

Passed

2. Approval of Resolution R2024-B Setting Meeting Schedule for Town Council Meetings for 2024

Marci Holm made a motion to approve resolution with the date amendments that Paul Luwe suggested / Jean Krause seconded / All AYE / No NAE

Amendment: That this Town Council will hold its work meetings on the second Thursday of every month. (February& August will be the third Thursday)

3. Approval of Resolution R2024-C Appointing Leroy Thompson to 6-month term as Town Treasurer

Jean Krause indicated that the resolution needed to be amended to allow the town treasurer to sign checks. Marci Holm pointed out that the resolution listed 4 years where Leroy served as the treasurer, and it needed to be corrected to 6.

Jean Krause made a motion to approve, amending the 4 years to 6 years and add language allowing the town treasurer to sign checks / Mistie Baird seconded.

Roll Call Vote:

Jean Krause – AYE

Paul Luwe – AYE

April McKeon – AYE

Mistie Baird – AYE
Marci Holm – NAE
Passed 4/1

4. Extension of Final Plat by Justin Christensen for Zions Landing (on Pocketville Road)

Jean Krause stated that we had a letter from his attorney asking for his extension.

Mistie Baird made a motion to allow his extension to be ending March 21, 2025 / Marci Holm seconded / All AYE / No NAE

5. Pending ordinance re: limitation of # of bedrooms short-term rentals

April McKeon stated that we have been putting this ordinance off since September and this just keeps postponing anyone from doing anything. I have an issue with the water hookups, and this should be more of a commercial hookup instead of a residential hookup. I think the ordinance failed to address this.

Rick Richardson represents the Gardner's. They invested a lot of time and money; this will be an expensive decision for the town.

Sam Torgerson owns a lot in Observation Estates. Has spent hundreds of thousands of dollars. Plans were ready 6-8 months ago. He suggests the town strongly consider the impact. He understands the impact of short-term rentals and the water issue. This needs to be looked at and found in some different way.

Jean Krause stated that 60.02 states that in an RHF situation they can only have 5 bedrooms and 10 people and in a STR no one lives there, and no one on site can have as many bedrooms as possible and people. This is not fair treatment. Residential Hosting Facilities and Short-Term Rentals they want. It doesn't seem fair. They should match and be treated equally.

Cameron Spendlove said thank you for allowing public comment. We have people that are early into the game and have a huge investment. He acknowledges Chapter 60 was written 5 or 6 years ago when people were not doing short term rentals a lot. It was not an important thing at that time. Virgin is being proactive by allowing short-term rentals only in commercial zones and Short-Term Rental Overlay.

Lee Ballard stated that these are residential zones and single-family dwelling zones. She reminded the council that this had been pending for months and months.

Bronwynn Wallace stated the whole chapter is very deficient and an issue. She suggested the council vote so that it was clear and so people would know what to expect.

April McKeon made a motion to approve 2024-01 / Paul Luwe seconded.

Roll Call Vote:

Jean Krause – AYE

Paul Luwe – AYE

April McKeon – AYE

Mistie Baird – NAE

Marci Holm – AYE

Passed 4/1

6. Ordinance 2024-XX Discussion and possible referral to Planning Commission proposed Ordinance re: elimination of Short-Term Rentals in certain zones.

Paul Luwe stated that this ordinance makes short-term rentals a prohibited use as opposed to a permitted use in certain zones.

Paul Luwe Made the motion to send this to Planning and zoning / Jean Krause seconded / Roll call vote:

Jean Krause – AYE

Paul Luwe – AYE

April McKeon – AYE

Mistie Baird – AYE

Marci Holm – AYE

Passed

7. Ordinance rescinding ordinance # 2023-12 That had amended Virgin Towns official zoning map by re-zoning V-2-1-21-2342 from rural residential to commercial zone.

Tyson Raymond, attorney for Mechelle Kelin, argued that this issue should have gone to the Planning and Zoning Commission first. This shouldn't be a 10 notice. He also suggests that April McKeon recuse herself because she made public comments opposing this original zone change.

Heath Snow stated that this should first go back to the Planning & Zoning Commission and public hearing.

Cameron Spendlove stated that this re-zone change was not rushed. The first time, last year, he had spoken to Mechelle about her desire to re-zone the property was in May of 2023. She went through a long process to get this done. The new council getting to weigh in is not a valid point.

April Gates stated the previous owner had owned the property for 20 years and it was zoned commercial when he bought it. He doesn't recall ever being notified that it had been re-zoned to residential. He only noticed that his taxes had gone down, so he didn't fight it. These 3 properties seem to be excluded from the general plan. It's not a safe place to live. Old maps show it zoned commercial back in the day. Michelle is trying to help fix a mistake that was made in an ordinance.

Darlene Pope stated that she didn't think Ms. McKeon has a conflict of interest. The council did not have access to the video, and the summary did not accurately reflect what was said. In the past the council rescinded ordinances that were under referenda and did not post a 10-day notice. This can be done, there is a precedent. Property taxes paid on this lot were residential, our zoning map showed the property as residential, the county recorder shows it as residential. The advertisement, when the property was listed, listed it as residential.

Jean Krause made a comment and referenced the referenda code about rescinding zones.

Mistie Baird asked questions to attorney Heath Snow in regard to the language in the whereas.

Paul Luwe made a motion to adopt this ordinance / Marci Holm seconded.

Jean Krause made a substitute motion to send this to Planning Commission / Mistie Baird seconded.

Jean Krause – AYE

Paul Luwe – NAE

April McKeon – AYE

Mistie Baird – AYE

Marci Holm – NAE

Passed 3/2

*Will go to planning and zoning for public hearing.

5 min recess.

8. Discussion of Annexation into Ash Creek Special Services District

April McKeon suggested that everyone read the 2022 wastewater study. Heath Snow said it's not necessarily sewer we need to look at; it is the water we need. We are running out of water. We will have no water and we need to think about what is going to happen when we run out of water. If we do not join Ash Creek, we cannot join the water district.

Cameron Spendlove stated that we also own our reuse water in our 1997 agreement.

The council and the attorney had a long discussion session with the remaining members of the audience.

Swearing in of newly appointed Planning and Zoning Commissioners

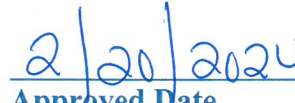
Krystal Percival (Clerk/Recorder) Swore in the new appointed commissioners Valerie Wenz, Darlene Pope, Lawrence McRae

CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED)

ADJOURN MEETING 9:13pm

Marci Holm made a motion to adjourn public meeting / Mistie Baird seconded / ALL AYE / No NAE


Krystal Percival Clerk/Recorder


Approved Date