

Virgin Town Council  
March 19, 2024  
Final Meeting

Council

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

Attendance

Krystal Percival-Clerk  
Heath Snow – Town Attorney  
Kim Kietzman -Permit Clerk  
Gene Garate -Zoning Administrator  
Bronwyn Wallace -PZ Chair  
Jay Lee, Darlene Pope,  
Jim Kietzman,

Online

Lee, Monica Bowcutt

**REGULAR MEETING: 6:01PM**

- A. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- B. DECLARATION OF CONFLICTS OF INTEREST -NONE**
- C. CONSENT AGENDA**

Marci Holm had some questions and needed more time to talk to either the treasurer or the accountant to get some supporting documents, so she requested the item be continued to next month.

Paul Luwe made a motion to approve the minutes from February 15, 2024, and remove checks and invoices and February 20th minutes from the consent agenda to be continued to next month's meeting / April McKeon seconded / All AYE / No NAE.

- 1. Approval of Minutes from February 15, 2024, Work Meeting
- 2. Approval of Checks and Invoices for February 2024
- 3. Resolution R2024-F A Resolution of the town Council of Virgin, Utah, appointing Jay Lee as the representative to serve on the mosquito Abatement District Board for the Calendar Year 2024

**Paul Luwe made a motion to the consent agenda / Jean Krause seconded / All AYE / No NAE**

**D. OPEN FORUM**

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

**NONE**

**E. UPDATES:**

- 1. Update from Jay Lee on the Mosquito Abatement

Jay Lee stated that we only hold meetings 4x a year. This is a little of what I went over last month. We are switching vehicles to smaller trucks for better fuel efficiency. Jay passed out a paper to the council on updated of his last meeting. April McKeon asked if the Mosquito Abatement minutes are available online, He stated yes. She asked if they have any community outreach program. Jay is unaware but suggested that she could call and find out.

- 2. Planning and Zoning chair Bronwyn Wallace update to Town Council

Bronwyn Wallace stated that Paul Luwe is the only one with the updated ordinances that we are working on. Bronwyn stated that we are working on 4 different ones. We just started work, and these are anticipated to address our needs to we are working on a lighting and dark sky ordinance, traffic plan, a permanent ordinance for our temporary ordinance on size.

- 3. Zoning Administrator Gene Garate to give updates on building projects in town.

Gene Garate states that the flying monkey project has been renamed to unplugged it's on the Mesa Road. The LaBrie project is under construction. The Quail Mesa is working on their road improvements (STR subdivision), Red Coyote, Jeff Lee is currently under construction. Jim Soria's project is the first project to be under the new ordinance and will be a motel and we are working on a conditional use with them. Zion Park KOA (Stew Ferber) is under construction and is working along, the last is Zion White Bison is under various stages.

The property east of balcony one has been put on the market, I have received a lot of phone calls about short-term renting from realtors, I have also made it clear about the driveway/turnout onto SR9 needing to be fixed. Jean Krause stated that there is an easement behind that property, and it is recorded.

Marci Holm asked if Gene Garate could explain the Zion White Bison temporary CO and he stated that because of the state regulations changed they couldn't dump its dry camp only, it is temporary for 6 months. So, they need to change some things to bring it up to state guidelines.

#### **F. COUNCIL COMMENTS**

Paul Luwe stated that he received a text from Lori Rose, and she couldn't attend tonight and wanted to know what the arrangement is for the tubers are for the summer?

He stated he went to some baseball in Mesa Arizona and as he was driving, he saw a sign about jake brakes and we need to get the signs, Jean Krause stated we have one sign up we need to get some more ordered and up. Paul Luwe stated the hotel TV had an advertisement about Dark Sky in Flagstaff. He expressed that if Flagstaff can do dark skies, then Virgin can do it. We can also preserve our dark sky here in Virgin.

Jean Krause stated that Celest Meloy did indeed get the money to start paving Sheep's Bridge Road and it will start in 2025. They will start making improvements soon and surveying this year. The First part will be SR9 to the bridge. UDOT suggested they do a pavement preservation project on 50<sup>th</sup> South by the 101, They will be coming to the town to see if the town will help contribute some funds. The last thing is that the tubers are working with Stew Ferber to find a location on his property.

Mistie Baird stated that she is helping with the Easter event and it's not just for kids we also have adult easter egg hunt and a brunch. It's this Saturday the 23<sup>rd</sup> at the Town Park. Our Business have been very generous and have donated.

Marci Holm stated that she wanted to give a big thank you to the planning commission. She recognized and thanked them. for their professionalism, civility, and teamwork.

#### **NEW BUSINESS:**

##### **A. MOTION AND VOTE FOR ITEMS 1 - 4**

1. Ordinance 2024-05 An Ordinance of Virgin Town Council, Virgin, Utah Adopting the Virgin Town Wastewater Study 2022 Update performed by Sunrise Engineering (signed and stamped February 22, 2023)

Heath Snow stated that this will be a resolution not an Ordinance, this will be changed to a Resolution R2024-G

Marci Holm Made a motion to approve resolution R2024-G adopting the Wastewater Study 2022 / Mistie Baird seconded / All AYE / No NAE

2. Extension of Final Plat for Quail Mesa

Jean Krause stated that it is preliminary not final plat

Mistie Baird made a motion to extend a preliminary plat to March 19, 2025 / Paul Luwe seconded / ALL AYE/ No NAE

3. Ordinance 2024-06 An Ordinance of The Town Of Virgin, Utah Amending The Virgin Uniform Land Use (Vulu) Code: To Define And Prohibit Billboards Throughout The Town: To Add The Definition Of Billboard To Chapter 2:12 "Definitions": To Add Section 52.05 "Billboards", To Chapter 52: To Revise Section 52.03 "Billboard Type Signs": And To Amend Section 52:14 Sign Table To Reflect These Changes.

Option A is how it came from planning commission.

Option B is the same, just including billboards and off-premises signs.

Option C is a compromise adding the definition to off-premises signs.

Marci Holm asked about considering options B and C and whether or not they needed to go back to the planning commission for a public hearing since they were not originally included.

Heath Snow stated that if it is substantial it will need to go back for a public hearing.

Paul Luwe made a motion to adopt Option A and option B/C to go to Planning and Zoning and look at the outdoor advertising changes from the State of Utah / April McKeon Seconded / ALL AYE/ No NAE

4. Ordinance 2024-07 An Ordinance of Virgin Town, Utah Providing That The Virgin Uniform Land Use (VULU) Code be Amended by Revising the Definition of Short Term Rental Section 2.12; Revising Sections 32.06, 34.04, 38.04, and 40.08 to Eliminate Short Term Rentals (STR) From Permitted Uses and Adding New Sections 32.09, 34.07, 38.07 and 40.12(D) to Prohibit Short Term Rentals (STR) In Certain Zoning Districts; and Minor Consistency Changes to Residential Hosting Facility.

Jean Krause stated that she forgot to upload the new ordinance with the changes to the title. April McKeon stated she didn't like the definition on this ordinance. The Town Council discussed the definition.

Paul Luwe made a motion to approve ordinance 2024-05 with the following amendments: Amend the title to include 40.12 D and eliminate the L (32109) and change to a period, to change the definition to: any dwelling unit or other structure or portion there of that is leased or rented for lodging purposes for a period of 30 days or less unless a valid RHF permit has been properly issued by the town for the dwelling unit or structure. Notwithstanding the definition of Dwelling Unit, within this section, Boarding Houses, Lodging Houses, Hotels, Motels, Tents, Travel Trailers, Recreational Vehicles ("RV"), Mobile Homes, and congregate Living Facilities may not be an STR, motion would also include new section 8 and renumber previous sections on down. Add: STR overlays approved by the town and short-term rentals that have been properly issued STR permits by the town prior to January 1, 2024, are legal non-conforming uses and are subject to VULU Chapter 10 (non-conforming uses)

Jean Krause Seconded / Jean Krause, April McKeon, Paul Luwe, Marci Holm -AYE

Mistie Baird-NAE (she felt that the short-term rental should be a conditional use in commercial and highway resort.)

## B. DISCUSSION

5. Resolution to sign addendum to the 2019 Regional Water Supply Agreement with the Washington County Water Conservancy District.

Heath Snow stated that he received a from Jody, and he wants to meet with him. The revised version that has not been adopted yet; they wanted some objected criteria. In the new version and it does have certain criteria where it's clear if there is a drought. We may want to consider joining because that's not going to change in the new daft.

Jean Krause stated we got this agreement and talked about it in our work meeting. I talked to Nanette Billings (Mayor of Hurricane) she asked if we are joining the Water Conservancy District? I talked about the district waving our penalty fees, (about \$200,000), and we would fix some of our town leaky pipes. In the new agreement it sounds like they want us to pay the fee, Heath Snow stated he would get an email with clarification on this about waving the penalty and get it to the clerk.

6. An Ordinance Amending and Restating Sections 2.12, 2.20, 2.22, 16.20, and 16.22 of Virgin's Uniform Land Use Ordinances Regulating Enforcement of the Provisions of this code.

Marci Holm has some additional suggestions on 4.04. We need to look at Zoning Administrator, Code Compliance officer and Building Inspector as different things. Heath Snow stated that the ordinances need to have penalties and fines. Jean Krause stated that we have a software program that will track all the citations and such. Heath Snow stated what will happen if someone wants to challenge the fine? Do we have a judge? Who will we use? Are we going to go to the county?

Jean Krause stated that all I'm doing is creating this position. We will come up with its duties later.

7. Ordinance Amending Virgin's Municipal Code to include the new Code of Conduct

Marci Holm stated that she does support this, she just has some issues with some of the organization, consistency, and redundancies, however she isn't going to make a fuss about it and hold this up. Paul Luwe will write it into ordinance form.

Paul Luwe motioned to close the public meeting and open the closed meeting regarding pending litigation / Jean Krause seconded. @7:41PM

Roll Call Vote:

Jean Krause-AYE

Paul Luwe-AYE

Mistie Baird-AYE

April McKeon-AYE

Marci Holm-AYE

A small break was taken before going into the closed meeting.

**CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED) 7:51pm**

Closed meeting will be held at 114 Mill Street, Virgin UT 84779 (Old Church)

Jean Krause made a motion to go out of a closed meeting and open a public meeting / April McKeon Seconded

Roll Call Vote:

Jean Krause-AYE

Paul Luwe-AYE

Mistie Baird-AYE

April McKeon-AYE

Marci Holm-AYE

Paul Luwe made a motion to authorize and direct the zoning administrator and the town clerk to sign the decision for Rich Murset / Jean Krause seconded.

Roll Call Vote:

Jean Krause-AYE

Paul Luwe-AYE

Mistie Baird-AYE

April McKeon-AYE

Marci Holm-AYE

**ADJOURN MEETING 8:27pm**

Motion to adjourn public meeting

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

  
Krystal Percival Clerk/Recorder

May 21 2024  
Approved Date