

Town Council Meeting
September 17, 2024
FINAL Minutes

Council

Jean Krause-Mayor
Paul Luwe
Mistie Baird
April McKeon

Attendance

Krystal Percival-Clerk
Heath Snow- Attorney
Kent Peterson
Dayton Hall
Cameron Spendlove
Shirlene Hall

Online

Charlottle Downard
Lee Ballard
Shaila Kuikahi
Monica Bowcutt
Niles Ritter
Jim
Darcey Spendlove

REGULAR MEETING: 6:05pm

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE Jean Krause

B. DECLARATION OF CONFLICTS OF INTEREST -NONE

C. CONSENT AGENDA

1. Approval of Minutes from August 15, 2024, August 20, 2024 & August 27, 2024, Town Council Meetings
2. Ratification of Contract with Rocky Mountain Power to remove streetlights in Desert Gardens

April McKeon made a motion to approve the consent agenda / Paul Luwe seconded / All AYE (Mistie Baird Abstained)

D. REPORTS

1. Zoning Administrator - status of commercial projects

Gene Garate stated - Just north of Desert Gardens we met with someone, and they wanted to put something on, however it didn't meet with our ordinances. LaBrie project is just waiting for our Town Engineer to have the final sign off. Heath Snow stated that Rod Mills will have the final sign, Karl Rasmussen had signed off on the mylar however, we need Rod Mills to sign off on it and take Karls name off. Heath Snow stated that he is working with them on the bond.

April McKeon stated it would be nice if we could get someone to get some dust control and weeds under control.

2. Planning Commission - upcoming meetings and ordinances

It's been quite a crazy month with Planning and Zoning with people out of town and such. The Sign Ordinance is on the agenda, but I think it may need to come back to us. The other

thing that we are working on is the General Plan and some things with Ryker. Darlene will be virtual in the next couple of meetings.

Jean stated that we sent some ordinances to the Planning and Zoning Commission, and we would like them on the agenda next month if possible.

E. OPEN FORUM

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

NONE

F. COUNCIL COMMENTS

April Would like to see the minutes a little more complete before we get them.

Paul Luwe wanted to know where we sat with a Code Enforcement, Jean stated that she interviewed someone and he is great but needs full time, we could possibly use him as he is very qualified and is perfect for the Town. He has several different skills that the Town could use.

Paul Luwe stated that if it's just the dollar amount that he needs, can you find out what he needs?

ACTION ITEMS:

A. MOTION AND VOTE FOR ITEMS 1 - 6

1. Resolution R2024-T Establishing Pocketville Hollow as the permanent name for the Town property located at 10E and HWY 9, formerly Pocketville Park.

Jean Krause stated that several people have made comments with the votes, I had Krystal print the comments out for you to take a look at.

Paul Luwe asked are we were just renaming the park or are we repurposed the park? Jean Krause stated we are not changing the use of the area. Paul Luwe stated that this appears to be more than a name change. It appears to be taking the park out of the park system. I don't mind the name change but not taking the park out of the park system. Jean Krause stated that the previous resolution stated it said common property. Mistie Baird asked why would that change the use? When the Town never actually set them aside as parks. The use does not change based on a name change. It is still a public common use.

Paul Luwe made a motion to approve with removal of 6 and 7 whereas / April McKeon Seconded / All Aye / No NAE - PASSED

2. Review and possible approval of proposed Development Agreement with the Halls

Heath Snow stated that he has reviewed the Development Agreement. This will be recorded against the property, and what will and will not be permitted on the property.

Paul Luwe stated that the uses being proposed are not allowed by the current code, and that the proposed use needs to go back to Planning Board pursuant to 10-9a-532(2) Utah

code. We have this unique provision in our code with the chart; I think we are adding a use that is not permitted under code and chart. I think we need to be in compliance with the statute. It's a one-month delay at best. If you're going to allow a use that is otherwise prohibited the use needs to be reviewed by Planning Board. Dayton stated that this is an equine activity. Horses are being housed and being trained currently.

Dayton Hall stated that we have been waiting 9 months on this, we are ready to take this to a judge.

Heath Snow stated that Equine activity is not a use and because of that we would be adding a use. You could say this is an agricultural business and just be done with it tonight.

April McKeon asked doesn't the Town have a development agreement with another business with someone in town? Jean Krause stated yes, April asked are they were being followed? Jean stated I hadn't pulled it and looked at it.

Paul Luwe asked if Dayton would delete equine activities and put them under agricultural activities with equine activities in parenthesis.

Dayton Hall stated that his client is fine with the changes.

Paul Luwe made a motion to approve development agreement with the following change delete equine activity, and the add "equine activity" after agricultural within parenthesis / Mistie Baird seconded / All Aye / April McKeon NAE – 3/1 PASSED

3. Review and possible approval of proposed sign ordinance from Planning Commission

Darlene Pope wrote this ordinance, Jean Krause talked about the ordinance on the LED lighting section. Paul Luwe had changes, such as yard sale signs, flags, and several other changes.

Mistie Baird will give the changes to Planning and Zoning and talk to them about the changes. A new public hearing will need to take place.

4. Does Virgin Town Council want to support (via resolution) Utah's US Supreme Court case seeking to have federal lands managed by the Bureau of Land Management turned over to the State of Utah? See attached resolution template prepared by American Lands Council.

Paul Luwe talked about how he doesn't know the amount of money they are asking for; Mistie Baird asked, isn't the federal funds that support this right now? Paul Luwe stated that he believes this is all political and stated the problems with their request. Paul stated I'm not going to make a motion because he opposes the request.

No motion / no support from the council

5. Ratification of decision by Zion Regional Collaborative to award the Corridor Management Plan Update to Corridor Solutions. Virgin is a member of the Zion Regional Collaborative and is acting as a pass-through organization for them. As the pass-through organization, Virgin applied for and received a Technical Planning Assistance Grant from UDOT to prepare

the Corridor Management Plan. As the pass-through organization Virgin needs to ratify the award decision of the Zion Regional Collaborative.

Mistie Baird made a motion to approve this /Paul Luwe seconded / All AYE / No NAE

6. Authorize the town Engineer to execute the contract for the Virgin Town 2024/2025 road projects.

Mistie Baird made a motion to Authorize the Town Engineer to execute the contract for the Virgin Town 2024/2025 road projects / Paul Luwe seconded / All AYE / No NAE

B. DISCUSSION

1. Discussion on CIB grant / Public Hearing date

Jean Krause that we are applying for a CIB grant

You have a choice on when to hold your public hearing. OPTION A: I spoke with Heather Poulsen at the state CIB and if you wait to hold the hearing during your next Council Meeting (which I understand won't take place until the 15th of October) then by the time you get the minutes prepared for that meeting and get them to the State CIB and then you have the review with State CIB staff, it may be well into November before you are funded by staff. OPTION B: You schedule a Public Hearing ONLY on a date like Thursday the 26th, have the Mayor and Clerk there (and ANY public that chooses to attend. Then you ONLY have to prepare the minutes for ONE hearing and can get those up really quickly. You can then get the staff review and probably a letter of funding by mid-October.

Heath Snow stated that it's only for administrative action, that's why it's for 24-hour notice.

C. PLANNING & ZONING SUMMARY

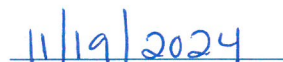
CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED)

ADJOURN MEETING 8:13pm

Motion to adjourn public meeting

April Made a motion to adjourn / Paul Luwe seconded/ All AYE / No NAE


Krystal Percival Clerk/Recorder


Approved Date