

Town of Virgin
Town Council October 26 2022
Final Minuets

Town Council

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

Attendance

Krystal Percival-Clerk/Recorder
Heath Snow- Attorney
Sean Amodt
John Ely
Kent Peterson
Staci Kroff
April McKeon
Darlene Pope
Stan Burt
Bronwyn Wallace
Paul Gootch
James Densley
Cameron Spendlove
Bill Baughman
Lori Baughman
Skip
Michael Tyler

1. WORK MEETING (6:03 PM)

A. Discussion: What to do about Weddings and DJ's at Heritage Town Square

A discussion with Staci Kroff and the Council.

Jean Krause talked about getting a decibel meter to help with the loud music. As the Town has had several complaints about the loud music. It's Krause stated that we do have several months to work on an ordinance as it's getting colder, and the Old Church does not have any current bookings. Paul Luwe states that a noise ordinance is a great solution to help with all the noise complaints around town.

B. Discussion: What to do about illegal pay to elected and appointed officials

A discussion within the council

The town received a complaint with the Utah State Auditor's office about the past pay with elected & appointed officials as no ordinance was made. Gene Garate stated that creating an ordinance was unknown that we had to do that in the past. LeRoy Thompson stated that every year we pass a budget with the amounts and every month we disclose what is being spent.

Paul Luwe stated that it wasn't just the ordinance however there needed to be a public hearing as well, Paul Luwe also had several questions for the town attorney.

Jean Krause stated that she will contact Health Snow about drafting an ordinance.

C. Discussion: Revision of Virgin Town's Personnel Manual

A discussion within the council

Jean Krause stated that she sent out a link to the other members to review other personnel manuals from other towns. Gene Garate stated that the town should do it section by section and approve it in the meetings. Gene Stated that there are several companies will create a personnel manual and maybe we need to investigate doing that.

LeRoy Thompson asked if we are a member of the ULCT and maybe they have something we could look at.

- D. Discussion: Need for Code Enforcement Officer and consequent revision of Zoning Administrator duties as set forth in VULU 2.22, 16.20(F), 16.22, 26.04, 26.06, 60.02(H), 60.02(F).

A discussion within the council

Jean Krause stated that her and Gene Garate has been having weekly meetings, in one of their meetings they talked about code enforcement and Gene Garate told her he doesn't really like doing code enforcing. Jean Krause stated that we need to update all our ordinances about code enforcement having it be the zoning administrator's job and change it to the code enforcers job. Gene Garate stated we need to update our ordinances to input the infraction on the ordinance. Heath Snow stated that we should pull out several of our main ordinance's that are always causing an issue and add the infractions so they have penalties, we should sit down with the towns prosecutor (James Weeks) to ask him what is appropriate on the penalty and start with that.

WORK MEETING END: 6:49pm

2. REGULAR MEETING (7:00 PM)

- A. Call to Order – Mayor Jean Krause /Pledge of Allegiance/Opening Thought or Prayer -LeRoy Thompson
- B. Declaration of Conflicts of Interest -NONE
- C. Council Comments

Jean Krause Stated that she spoke with Rocky Mountain Power about the lights in town and it will be sometime in January they will come out. All the lights in town will be done except Desert Gardens subdivision. The lights will be very bright and will take about 60 days to be the lumens they are supposed to be for the dark sky lighting. Jean Krause stated that she went to a conference and Millcreek built a new town hall, she stated that within the building they would rent spaces out and that would pay for the new building. She was wondering if possibly we could have a two-story building and rent the lower part of the building. She stated that she just would like some feedback on all of it.

Jean Krause stated that she went to a meeting at the water conservancy district, with all the mayors in the county. A chart was pulled up showing that by next year, Washington County will use up all its allocated water. Jean Krause stated that at this point we have enough, but not for continued growth/development.

Gene Garate stated that he received a complaint about the mud with the new water hookup on the Labrie project (Gas Station) Gene Garate will call them and get that cleaned up.

Long-term resident Mr. Brinkerhoff passed away. His funeral is this Saturday.

Paul Luwe stated that since we now have the new website up and running, are we going to update the municipal code with all the new ordinances?

- D. Consent Agenda
 - i. Approval of Minutes from August 24, 2022 and September 28, 2022 Town Council Meetings
 - ii. Approval of Checks and Invoices for September 2022

Paul Made the motion to approve minutes from 08/24/22 and checks and invoices from September and table the 9/28/22 minutes. Gene Garate second. ALL AYE / NO NAY – No roll call vote was taken.

- E. Open Forum

Sean Amodt asked if we could get the lowest temperature of lighting be put in.

Kent Peterson, He stated that he agrees to Sean Amodt's comment

April Meckean Stated that she reviewed the WCWCD study. She wanted to make everyone aware of the impact fees going up. She also wanted to know if they considered if any conservation was taken. She also asked if the new water pipeline would affect the ERC in the town. She asked if a new CUP would be issued for the 2nd part of the Labrie project? She asked if the permit they have included the other parcel? Jean Krause said yes.

3. OLD BUSINESS

A. Decision on Appeal by John Ely

A discussion within the council

Jean Krause stated that at the meeting on 9/14/22 Heath Snow read the memorandum decision and we needed to make a vote.

Paul Luwe stated that he is bound by ordinance which is law. The appeal is untimely as the appeal was submitted more than 15 days from the determination of the Planning and Zoning Commission. John's complaint that the improvements are not complying with the CUP is under Chapter 16.14.

LeRoy Thompson made motion to approve, Gene Garate seconded

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – Abstiens - She Chair was on planning & Zoning when this took place

LeRoy Thompson - AYE

Gene Garate -AYE

Paul Luwe -AYE

John Ely stated that he doesn't think we are getting through with one another. He also stated that while everyone is stating law, he feels that the zoning administrator had checked a box stating that all requirements have been met in order to receive the CUP, He feels that the requirements were not meet. John Ely stated that so many issues have not been met, Such as open space, site plans etc. John Ely stated that he has not appealed against the planning and zoning decision.

John made several statements about the memorandum decision about the CUP.

B. Discussion and possible approval of Resolution R2022-N, Appointments to Capital Improvements Committee

Wyatt Lee and April Mckeen will be added as representatives for the capital improvements

Paul Luwe stated that he would like to see April McKeon's term be until December 2025.

Paul Luwe made a motion with an amendment to have April McKeon's term be until the end of December 2025. LeRoy Thompson Seconded – All AYE / NO NAY -No roll call vote was taken.

4. NEW BUSINESS

A. Discussion and possible approval of letter of support for paving of Sheep Bridge Road as requested by Washington County.

A discussion within the council

Jim Bacis sent in a letter via email and was read.

April Mckeen gave Paul Luwe some suggestions and was read. (Bike lane, Falls Park issues, the bridge, ext.)

Kent Peterson asked if we know the status about the road with ATVs. Such as what roads they can travel on, ext. He wanted to know what the rules are and what the County is wanting to do with Sheep's Bridge Road, how are we going to accommodate that.

Gene Garate made a motion to move the decision letter to November 2022 town council meeting – Jean Krause seconded – ALL AYE / NO NAY / NO ROLL CALL VOTE WAS TAKEN

B. Discussion and approval of revised Water Transportation Agreement with Washington County Water Conservancy District.

A discussion within the council and Heath Snow

Heath Snow and Jean Krause stated that they created a memorandum to the agreement about cooperation regarding Pocketville Road. Jean Krause stated that Rocky Mountain Power wants to buy some property to build the new substation. Jean Krause stated that yes, Pocketville neighborhood area would like to have a dead end turn around to its intersection with Kolob Terrace Road. Heath Snow stated that this is not an approval to do such a thing, just a memorandum so they do not put their pump station there in case of the event in the future Pocketville Road becomes a dead-end road.

Darlene Pope asked a question: is the pipe owned by the town? Council: Yes

She asked if the pipe brakes, who fixes it? Heath Snow: Stated that the district would have to fix it.

Bronwyn Wallace stated that the language needs to say it's a potential consideration on the memorandum.

Paul Luwe made a Motion to approve and have the mayor sign the documents Jean Krause Seconded – Gene Garate – gave an amendment to state consider in the memorandum – Paul Luwe accepted the amendment to part of his motion.

Roll Call vote was taken:

Jean Krause - AYE

Mistie Baird – AYE

LeRoy Thompson - AYE

Gene Garate - AYE

Paul Luwe -AYE

C. Discussion: Revision of Virgin Town's Personnel Manual

Jean Krause stated we will work on this in sections and will start next month.

D. Discussion: Need for Code Enforcement Officer and consequent revision of Zoning Administrator duties as set forth in VULU 2.22, 16.20(F), 16.22, 26.04, 26.06, 60.02(H), 60.02(F).

A discussion within the council about several different codes and what to change with the wording zoning administrator and code enforcement officer.

Gene Garate motion – Jean Krause seconded – ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN

5. CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (8:57PM)

THE CLOSED MEETING WAS HELD AT THE OLD CHURCH 114 S MILL STREET, VIRGIN UTAH 84779

**Gene Garate motion – Jean Krause seconded – ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN
CLOSED MEETING ON PERSONNEL ISSUES**

END CLOSED MEETING (9:26pm)

Gene Garate motion to open the public meeting – LeRoy Thompson seconded – ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN

A discussion within the council with Heath Snow talking about various issues about past pay to elected and appointed officials.

6. ADJOURN MEETING (9:38PM)

Gene Garate motion to adjourn the meeting – LeRoy Thompson seconded – ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN

Approved: November 16 2022


Krystal Percival Clerk/Recorder