

## Town Council Meeting

May 16 2023

### Final Minutes

#### Council

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

#### Attendance

Monica Bowcutt  
Heath Snow-Attorney  
Joe Decker, Jeff Lee, Ryan Lee, Pat Galvez  
Becky Galvez, Bill Swensen

#### REGULAR MEETING: 6:00pm

##### A. CALL TO ORDER Jean Krause /PLEDGE OF ALLEGIANCE/OPENING THOUGHT OR PRAYER LeRoy Thompson

##### B. DECLARATION OF CONFLICTS OF INTEREST

Jean Krause -yes, with Quail Mesa subdivision

LeRoy Thompson -none

Gene Garate -none

Mistie Baird -none

Paul Luwe -none

##### C. COUNCIL COMMENTS

Jean Krause stated that she doesn't like the new software numbering system. Krystal has prepared a flyer about the election. The town hall has started construction LeRoy Thompson stated that the He had the mayor met this afternoon about the water tank. Gene Garate would like to have council comments moved to the end of the agenda for future meetings.

##### D. CONSENT AGENDA

1. Approval of Minutes from April 25, 2023 & May 11, 2023 Town Council Meeting
2. Approval of Checks and Invoices for March & April 2023

LeRoy Thompson Made a motion to approve the consent agenda, Gene Garate Seconded / All Aye / No Nae

##### E. OPEN FORUM

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

Bill Swenson stated that the meeting held last night with Desert Gardens and the Labrie project was great. Apart from that meeting was with UDOT and they talked about speeding, UDOT talked about having a police presence in town and having Springdale police department I miss having them Washington County is not giving us what we pay for. Maybe we can reach out to them in Springdale and see if they would come out here on a regular basis. Everyday. Maybe over the top, Washington County is not over the top. Pat Galvez, I came to the last meeting and complained about the road on 1420, I appreciate that it has been repaired and repaired well. I also wanted to thank you for the meeting with The Labrie project and Desert Gardens subdivision. It was one of the best interactive meetings I have been to.

##### F. GUEST SPEAKER

Discussion with the Fire District: Joe Decker

Joe Decker, We want to be a part of your community and we do use the old fire station building, It's not just storage. We do have an active fire truck in there. To be Honest with you in our plans, Virgin is listed to be as one of our future stations we would want. We're just trying to work through that aspect of that of what those are. We do enjoy being there, we'd love to continue to be there, we would really like to get a lease in place. We've discovered in our documentation it has no signature so sounds like

the same as you guys. We need to fix that. We are more than happy to meet you at the building to let you in to see what we have in there. Jean Krause asked Joe how many acres of land they would need to build a fire station in Virgin? Joe stated he doesn't have exact building plans set out yet but would assume he would need about 6500sq ft building, so we would need an acre to an acre a half at most. Jean Krause talked to him about the acre of land along SR9 that was donated for a fire station, Joe stated that putting a fire station along a highway makes it hard to pull in and out of, but he would swing by and take a look at it. Jean Krause stated maybe we could sell that land and buy a different spot that would work? Joe stated we don't need a huge piece of land we just need some space for some parking stalls, and we can always build up, we want it to look nice.

## **PUBLIC HEARING**

**Paul Luwe made a motion to close the public meeting and open the public hearing / Mistie Baird seconded / All AYE / No NAE**

### **A. ACCEPT PUBLIC COMMENT**

1. Amended Budget of Virgin Town Fiscal Year 2022-2023
2. Proposed Budget of Virgin Town Fiscal Year 2023-2024

NO Public comments were made.

**Mistie Baird made a motion to close the public hearing and open the public meeting / LeRoy Thompson seconded / All AYE / NO NAE**

## **OLD BUSINESS:**

### **A. MOTION AND VOTE FOR ITEMS 1-3**

1. An ordinance amending and restating sections 1 thru 18 of chapter 16 (conditions and conditional uses) of the virgin uniform land use ordinances ("vulu") to better establish the process, procedures and criteria for the issuance and appeals of conditional use permits ("cups") within the town and to add the term "adversely affected party" and "joint utility board" to section 2.12 (definitions) of vulu.

**Paul Luwe talked about the two different changes in the ordinance.**

**Paul Luwe made a motion to approve the ordinance with Development Review Committee and The three amendments to the CUPS / Jean Krause seconded.**

**Jean Krause – AYE**

**LeRoy Thompson – NAE**

**Gene Garate – NAE**

**Mistie Baird – NAE**

**Paul Luwe - AYE**

Motion Failed.

**Paul Luwe made a motion to approve the ordinance with Development Review Committee and the two amendments to the CUPS / LeRoy Thompson seconded.**

**Jean Krause – AYE**

**LeRoy Thompson – AYE**

**Gene Garate – AYE**

**Mistie Baird – AYE**

**Paul Luwe - AYE**

Motion passed.

2. Amended Budget of Virgin Town Fiscal Year 2022-2023
3. Proposed Budget of Virgin Town Fiscal Year 2023-2024

The council had a small discussion about the budget. Jean stated that she had a couple of issues on the 2023-2024 for the ARPA and the CARES, I did not know they were two different funds. It just needs to be all ARPA.

LeRoy Thompson made a motion to approve the amended 2022-2023 budget / Jean Krause seconded.

**Jean Krause – AYE**

**LeRoy Thompson – AYE**

**Gene Garate – AYE**

**Mistie Baird – AYE**

**Paul Luwe - AYE**

Motion passed.

LeRoy Thompson made a motion to approve the proposed 2023-2024 budget with an amendment of the CARES money moved to the ARPA / Gene Garate seconded.

**Jean Krause – AYE**

**LeRoy Thompson – AYE**

**Gene Garate – AYE**

**Mistie Baird – AYE**

**Paul Luwe - AYE**

Motion passed.

## **NEW BUSINESS:**

### **A. MOTION AND VOTE FOR ITEM 1**

1. Proposed Subdivision (preliminary plat): Quail Mesa Subdivision from Jeff Lee located V-2-1-26-4421 (South of Rio De Sion) & Conditional STR Overlay Zone Change

Jean Krause stated that she declared a conflict of interest at the beginning of the meeting, She will also recuse herself from voting. Cameron Spendlove gave an update on the planning and zonings recommendations. Cameron stated they didn't have any problems with what they turned in and they have met the requirements. Jeff Lee talked to the council and answered some of the questions and concerns they had.

**Paul Luwe made motion to approve the preliminary plat with conditions, Shal provide 30-foot easement for utilities, 15 feet on each side on the center line. Deed restriction is filed with common space. CCR be revised to make assessment on the road and HOA can make assessments for repair of the road. / Gene Garate seconded**

**Jean Krause – Recuse**

**LeRoy Thompson – AYE**

**Gene Garate – AYE**

**Mistie Baird – AYE**

**Paul Luwe - AYE**

Motion passed.

**Paul Luwe made a motion to approve the STR overlay with the following conditions: each house will have 3 off street parking spots and if more than 4 bedrooms then an additional parking spot for every additional 2 bedrooms or fraction thereof; 2.the governing documents of development require Owners of STR unit to utilize one singular property management company to handle all STR units which management company meeting all the requirements pertaining to STR management companies in VULU; 3. the governing documents will allow the management company to immediately evict tenancies (Tenants) causing a nuisance violation; and 4. interior cameras are prohibited in order to protect guests' privacy expectations. / Gene Garate Seconded**

**Paul Luwe opposes motion because the STR will not contribute to the general wellbeing of the neighborhood and community (Virgin has too many short term rentals and not enough housing stock); the STR development will be detrimental to the health, safety or general welfare of persons residing or**

working in the vicinity, or injurious to property or improvement in the vicinity; the STR development is contrary to the General Plan chapter 6 housing as it will contribute to the increase in housing prices and decrease the availability of house stock available for long term rental; and the SRT is contrary to General Plan 8.03A5 in that it will not encourage affordable housing options for families to move to Virgin and securing the sustainability of long term residents

Jean Krause – Recuse  
LeRoy Thompson – AYE  
Gene Garate – AYE  
Mistie Baird – AYE  
Paul Luwe - NAE  
Motion passed.

Mistie Baird Made a motion to close the public meeting and open the closed session / Gene Garate seconded.

Jean Krause – AYE  
LeRoy Thompson – AYE  
Gene Garate – AYE  
Mistie Baird – AYE  
Paul Luwe - AYE  
Motion passed.

**CLOSE PUBLIC MEETING AND OPEN CLOSED MEETING (IF NEEDED)**

Closed meeting: Litigation & Negotiation of contracts

Closed meeting will be held at the old church 114 S Mill ST in Virgin Utah

**ADJOURN MEETING**

Motion to adjourn public meeting

Approved: 4/20/2023



Krystal Percival Clerk /Recorder