

**Rockville Town Council
Regular Meeting
Rockville Town Hall
September 13, 2023 – 6:00 pm**

1. **CALL TO ORDER - ROLL CALL:** Mayor Pam Leach called the meeting to order at 6:02 p.m. The following members of the Town Council were present: Michael Evenson, Dan McGuire, Megan Honer-Orton, Pam Leach, and Jeff Ballard. Town Clerk Vicki S. Bell recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF THE AGENDA:** Jeff **MOVED** to approve the agenda. Michael **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion **PASSED** unanimously.

4. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were disclosed.

PUBLIC COMMENTS: There were no public comments.

DISCUSSION / INFORMATION / NON-ACTION ITEMS

1. **REPORT ON HURRICANE VALLEY FIRE SPECIAL SERVICE DISTRICT:** Mayor Pam Leach announced that we finally received reports for June, July, and August and that she will read only the reports from the Town of Rockville. For June, we received a total of three calls: 1 medical transport, 1 medical refusal, and 1 call cancelled prior to arrival. For July, we had a total of three calls: 1 medical transport, 1 medical refusal, and 1 fire call. For August we had a total of eight calls: 4 medical transports, 2 medical refusals, 1 call cancelled prior to arrival and 1 fire call.
2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION:** Planning Commission Chair Tim Arnold reported one item to action for which the Council approved. They are considering action on a temporary use special event permit for the Butch Cassidy Race being held on Saturday, November 11, 2023. For their agenda, they also postponed another action item, a grading excavation permit, and they changed they changed a regular permit for the annual Flyin' Zion Art Festival to a simple permit.

LEGISLATIVE ACTION ITEMS

1. **DISCUSSION AND ACTION ON AN ORDINANCE OF THE ROCKVILLE TOWN COUNCIL ENACTING A TEMPORARY LAND USE REGULATION TO PROHIBIT DEVELOPMENT OF PARCELS REQUIRING SEPTIC SYSTEM WITHIN THE TOWN OF ROCKVILLE:**

Pam Leach: First of all, just to make sure it's understood, this is a TEMPORARY land use ordinance. It is only good for 6 months, and we are doing this in connection with a septic density study throughout the entire town. The Town has been concerned for some time about impacts of the ongoing drought on culinary water. Coupled with continued issues of hazardous bacteria in the river, which we are all aware of in the Virgin River. Increased land purchases within Rockville the last 5 or so years, with indications of plans or the desire to construct homes, has prompted a review of septic impacts. It was discovered that Washington County had conducted septic density studies in Washington County, but Rockville was not included in that study.

Southwest Utah Public Health Dept. does indicate that septic density is something they want comment on when you apply for a septic permit. So at this point, we have not been able to indicate septic density. Also as part of their requirements, the property must have a verified source of water to the property. Water hauling is not an acceptable source of water, unless the property is seasonal, meaning there is only access to the property for less than 180 days during the year. In addition, their application for anyone wanting a septic system requires that the water source has sufficient water quantity, pressure and quality. Septic systems must identify any wells, springs, protection zones, ditches, ponds, lakes, or streams on or within 100 ft. of the property. The location of the water source for the dwelling and the distance from the septic system must also be supplied.

When we decided to look into the cost and the possibility of doing a septic density study for Rockville, it was suggested that we contact the Utah Dept. of Natural Resources, Geological Survey Dept., that they are often able to provide or do septic density studies. We contacted them back in May and they indicated they could do a study for us, and suggested we contact the Utah Dept. of Water Quality for a

grant to assist with the cost of the study. The cost of the study is approximately \$54,000. Rockville did not have funds to cover that. An application was submitted to the UDWQ Board for a grant. Our grant application was approved for 50% of the cost. The UGS also contributed 25% of the cost and Rockville covered the balance from our budget.

The study was started in July, with an expectation of completion in June 2024, with hopes for a preliminary report in March 2024. If this temporary moratorium is put in place, it would end in the middle of March. We hope to have a better understanding of septic densities in Rockville at that time. I will now read the proposed ordinance. Again, please be reminded that this is a temporary ordinance, not a permanent one. Dan McGuire asked if the density study would offer advice on alternative methods for septic systems?

Pam: We will ask. When we originally talked with them (UGS), they said there are possible alternatives that could be used. I know that there are tanks people can have that need to be pumped that don't leach into the ground if they are in a sensitive area. So that is one possibility.

I will now read the proposed ordinance. **Ordinance No. 23-0913-01: An Ordinance of the Rockville Town Council Enacting a Temporary Land Use Regulation to Prohibit Development of Parcels Requiring Septic Systems within the Town of Rockville.** (Ordinance No. 23-0913-01 is attached to the minutes.)

While this is not a public hearing, it is a public meeting. I would like to allow anyone who would like to comment to come up. I would ask that you please raise your hand, wait to be recognized, come to the podium, state your name. You will have a maximum of 2 minutes to make your comments. In an effort to control the time of the meeting, if someone has already made the same comments you wished to make, please do not repeat those comments. Prior to discussion and decision, Clerk Bell has received a few written comments she will read into the minutes. Mr. Oler also sent an email, but since he is present, he has stated we may attach his comments to the minutes without reading them.

Clerk Bell read aloud the emails that were received prior to the meeting. The emails will be attached to the minutes.

Pam – It should be noted that several of these people (Mr. Roth, Mr. Dial) were contacted and informed that this was a temporary land use ordinance. Once they understood that it was temporary, they had no problem with the ordinance.

PUBLIC COMMENTS:

Tydon Oler – First of all, in responding to the temporary nature of this ordinance, it's my understanding - and I don't know the Code in its entirety - but there are certain reasons that this ordinance can be extended for another six months, from what I understand, according to the ordinance.

This assertion was refuted by **Mayor Leach** and **Clerk Bell** who stressed that the temporary land use ordinance may only last six months, and the Town attorney verified this recently.

Tydon – The other thing is, did you let these individuals that expressed concern know when you said it was only a temporary ordinance that it gives the Town times to adopt *permanent* ordinances? It may therefore affect their rights that they're concerned about.

Mayor Leach – My understanding is we cannot adopt permanent ordinances during this moratorium, but after the moratorium if whatever comes out of the study, we want to adopt permanent ordinances, that would require a public hearing. The moratorium does not require a public hearing, but if we're actually going to put in permanent changes to our ordinance, that does require a public hearing, so we would not be able to make any changes permanently until that time.

Tydon – While contemplating temporary or permanent changes, the Town can deny applications, on a permanent ordinance being under consideration; is that not correct?

Mayor Leach – If we have stated that we are considering a permanent ordinance, let us look into that. I'm sorry, I don't know for sure on that.

Tydon – I think it's a little deceiving saying it's a temporary ordinance and try to emphasize that fact, when the whole purpose of this ordinance or the statute in the State Code is for a town to be able to adopt permanent ordinances at least shortly thereafter or allow them to be put into place before anyone has the time to react. That is the exact purpose of an emergency ordinance like this. I also would like to state on the record that I have been copied on a few other letters that were sent to the Town that were not read, so I do know that there were other emails received.

Clerk Bell – I read everything I got.

Mayor Leach – She's read everything that came in by one o'clock today. If you're aware of something that came in after that, I received your email after one o'clock, but I didn't receive anything else.

Tydon – And that's another point that I'd like to make, is that your public notice stated that people just needed to give you notice and/or be here essentially prior to 5:45. At 5:45. So there were people that I was in communication with that wanted to attend this meeting two ways: either via Zoom, or by being able to send letters into the Town Council thought they had 'til 5:45.

Clerk Bell – Can I correct you, Tydon? The public comments and the 5:45 deadline is for comments that would be for anything that is not on the agenda.

Mayor Leach – And I did point that out prior to our starting our meeting.

Tydon – I understand, but if we're allowing public comments those people should have been able to either attend via Zoom and/or give their comments. That's just my feeling. And, I just want to – on the record – that the only person other than the invites I sent that were given Zoom access was the Town's attorney and only the Town's attorney. I just think this is a very underhanded way of trying to stop some specific parcels and properties from being developed and the Town is fully aware (or there are at least members of this body that I would believe are fully aware) that the intent is to enact ordinances that have a longer-lasting impact than just the six-months. So, at least be honest about that.

Michael Evenson – Well, I would like to respond to that. I have no interest in extending this beyond six months. I do have an interest in finding out what the study has to say so that then people can move forward with developing their property with septic systems if that is the case.

Tydon – I appreciate you bringing that up. That brings up another point that I'd like to make. The Southwest Health Department currently does not accept alternative systems for review, so when I have approached Southwest Health Department about alternative systems, they have told me that they will not accept alternative systems because they lack the manpower to be able to review and approve alternative systems. So, in essence, if this review comes back and says there's a lot higher density, or that there needs to be x-number of septic systems per number of acres, the Town in essence – are they saying they're not going to because this is just temporary? You are not going to adopt an ordinance that will restrict people then?

Mayor Leach – No, we have not said that. We're doing a study so that we know what has to be done. We're not making any decisions at this point in time until the study is completed.

Bruce Waldron – I am a responsible party for developing a couple of parcels on the south side of the river next-door to your mayor. First of all, is this moratorium in effect immediately?

Mayor Leach – Once it's passed this evening, then it is.

Bruce Waldron – Ok. So, you stated that no permits will be issued for six months. You did state that a septic tank would be allowed. It was pumped and no leach-field installed.

Mayor Leach – If it was what?

Bruce Waldron – It did state in your comments when you read that, that you could install a tank – a collection tank for the sewage – if it was pumped and not put into a leach field.

Mayor Leach – So, that isn't what I said. I said one alternative that people could consider is a tank that could be pumped out that would not go through a leach field.

Bruce Waldron – If I opted for that alternative, would you allow a building permit? If we opted for that alternative or another alternative that is suitable without a leach field?

Mayor Leach – Well, again, I guess because Tydon has indicated to us that the Southwest Public Health Department will not approve alternative systems, we would have to look into that. At this point, I can't say that we would be able to approve anything.

Bruce Waldron – But you would approve it if I installed a tank to collect and pump it?

Mayor Leach – Again, I did not say that was something that we would approve. I just said it was a possible alternative. What you would probably need to do, again, anything that requires a septic system would still require approval by the Southwest Utah Public Health Department.

Bruce Waldron – But a system consists of a leach field. Septic tank system consists of a leach field, so the possibility you did put out was a tank to be pumped.

Clerk Bell – That was for when the study's over and that they decide that maybe we won't be able to do as many full septic tanks and this is something that she gave as a possibility that we can maybe look at, at that time. Not now.

Bruce Waldron – Can I request a copy of that letter you read?

Mayor Leach – My information statement? Sure. Ok.

Bruce Waldron – Yes. That and the meeting minutes.

Mayor Leach – The meeting minutes will be posted and are available to the public right after this meeting.

Bruce – Online?

Mayor Leach – The recording will be available tomorrow and the accepted, approved minutes will be available after our next meeting, but you will be able to listen to that. Alright. Next? Anyone else wish to comment?

Dan McGuire – First of all, there's no deception here. We're simply trying to protect the water supply for all residents and trying to anticipate what the study will prove or suggest is premature. You can't make any decisions until the study is done. The study may come back and in fact say that you can't have any more septic systems on the south bench. We don't know that, but it may say that. That's why we're having this discussion. The Town doesn't have to ask permission to pass this ordinance. It's something we have to do to protect the health, welfare, and safety of our citizens. That's what we're doing.

Jacob Anderson – As I understand it, there's a need to understand the water quality from septic. It sounds like it's been done in other places. We were forgotten about and there's a desire to know what the results are for that. I don't know if the decisions already made or if it's something you're contemplating and will vote on, based on some of the feedback, but I wonder perhaps if it might make sense to order the study. We've got the grant; we've got the funds, it sounds like, and hear what the study has to say and if we hear that there's something that potentially is of imminent danger or something that may require immediate action, and then you determine that, oh my goodness, we need to do a moratorium. To understand this and then consider our zoning, it seems to me like perhaps that could be an appropriate time to do the moratorium. I think just wanting to know the results if there's a possible danger or no possible danger. I wonder if we're premature on the moratorium and maybe we do the study first and see if there's anything that would indicate a need for that. One thing that did concern me in the statement that was read in this – whatever might be passed – was the phrase to consider if development is even suitable in the incorporated area. I understand why that phrase needs to be in there, but I think, Oh, my goodness. The whole south side of the river! What if it was determined it wasn't suitable and no one can build, and all of this stuff. I guess that's the phrase that made me nervous. When you do consider the zoning, or perhaps as part of the study, if you could ask directly to consider to do the study also including alternative ways of doing septic. I think that would be interesting to know. And then, I guess the next thing I wonder is the purpose of doing the study. I wonder what the outcome would be on that. Would it be just that these lots were not buildable, or would it be to consider extending the sewer and water on the south side of the river as well?

Mayor Leach – And that's the thing. We don't know what can or can't be done; how we would go forward to try and make properties suitable for building. It may be that, as you said, a septic system has to be developed for areas like the mesa. That we'll find out. We're trying to determine what is best and what does protect the water for the Town – for the entire community.

Jacob – Is there consideration for extending the sewer or not, really at this time?

Mayor Leach – The sewer is Springdale's; it's not Rockville's. They are in the process. They're going to be putting in some new equipment to better handle increased sewer. At this point, when we've asked them, they have not indicated any desire to extend piping over to the south side of the river, and they've been asked that a couple of times. So, we're aware at this point they're not considering that, but again, maybe with results from the study we can find out that there is some kind of alternate system that we can use. We want to make sure we can look at those alternates.

Jacob – That makes sense, but again I would just ask, perhaps when we know all those answers from the study maybe the moratorium goes in place while we consider then, what do we do with this information.

Tydon Oler – For instance, we have a property that is on both sides of the river and by contractual agreement, the lease statement says specifically that Springdale is supposed to service the entire property with sewer. So, I do know at least Springdale wouldn't be able to *not* allow us to bring it across the river of our property and there may be other properties as well. When that lease agreement was drafted, it said they would service the entire property.

Mayor Leach – That's interesting information and you might want to talk to Springdale's sewer – talk to the Town and find out. Tell them. Point that out because I wasn't aware that was part of their lease.

Tydon – Once we get it to there, we can easily get it down my road.

Mayor Leach – This doesn't mean that there aren't possibilities, but it's looking at what needs to be done. This gives us the opportunity to get the information from the study. Would someone else like to make a comment?

Rick Vesco – We've got a piece of property right now that we're doing a 1031 exchange on, and I'm going to ask the question, is this an emergency situation that you're taking?

Mayor Leach – It's not an emergency.

Rick Vesco – Have you run it by your lawyer?

Mayor Leach – Yes, we have.

Rick Vesco – Okay, so, it's legal?

Mayor Leach – Yes, it is.

Rick Vesco – Okay. I talked to Greg Minor for about two minutes this morning. He was in his car. He said you can't do this, so I just want to forewarn you. Greg Minor's going to be calling. He's got 91 acres here!

Greg Minor – According to the temporary ordinance, as you know, you could avoid the notice and due process requirements, but I'm asking you not for myself (which I own almost 100 acres on the south side of the river), but is this good governance? I'm speaking on behalf of my good friends John and Nancy Lowe who are building next to Pam. They're in their late seventies, nearly eighties; they're already drilling a well as you know, and so six months to them is profound. It's supposed to be compelling and countervailing to the public interest as we know. So, I would just say from a good governance perspective, please do not pass this tonight. You have the absolute choice as Mr. Ekins will tell you to allow public comment, to notice it properly, to go through the due process and those requirements, and after you go through all of that which I think all of us south side owners (among other people in Rockville) would appreciate it as good governance, then if you decide to pass the ordinance, great. And again, this delay for John and Nancy at the stage that they're at in their life is a little heartbreaking to me.

Ok. Second point is, as Mr. Ekins will tell you, it's still an open question whether or not, because it's new, somebody could fight this idea that you could extend it six months. So if you are going to vote to pass it tonight, I'm asking you to please make it a part of your ordinance that you will *not* extend it by six months. Let's just put it in the ordinance and be very clear up front that you're only going to do this for six months and that way, if case law comes along in the next six months, all of a sudden it opens the door for you to extend. You've already told us you wouldn't and that would be much appreciated.

My third point it's simply by the very nature, you used this language, "increased interest in potential development." That is not compelling. I don't want to get into it but by the very language of the ordinance you're passing you're saying it's not compelling because it's "increased interest." It's got to be something more on the emergency level in my mind to pass muster so that you don't have to give – I mean, I've only known about this for three days. The Lowes have only known about this for three days. We should be given proper notice and due process given the impacts, and particularly to John and Nancy's lives. Thank you.

Mayor Leach – I would just like to make a statement. I actually spoke to the Lowes personally last week on I believe it was Friday. I spoke for quite a while with John Lowe and he said he understood what we were doing and did not seem to have a problem with it.

Greg Minor – And I want to make the point that Matt, the son, again, that I didn't talk to John because I've only talked to Matt. Matt only called me a day and a half ago and said, "Greg, please help," so I, I, you know, like but I'll call John tomorrow and the only reason I didn't is because I thought Matt and John had communicated directly.

Mayor Leach – Ok, thank you. Opportunity for our legal council to weigh-in? We'll go right for this moment to our attorney Matt Ekins, and Matt, do you some comments for us?

Matt Ekins – Yeah, I'll keep them brief. In terms of the duration of this, the language that's been proposed says up to six months and that is consistent with the particular Utah Code section that allows for the temporary Land Use Regulation under Section 504, subsection 3, in particular B. State Law Code says that the regulation may not exceed 180 days. This has been a recent change. While there is an exception to that rule, I see no reason that can apply here. The only extension for two additional six-month periods

can only be requested by a Transportation Commission set up under a certain... [Matt's connection was severed at this point.]

Mayor Leach – Let's go ahead with, while we're waiting hopefully for these issues with the people online, have some conversation here with our Town Council. Michael, do you have some comments or questions?

Michael Evenson – Well, I would just like to reassure those people that are concerned that I'm convinced there's no extension beyond six months. We do need to have a report to understand the potential problem. I'm hoping there's not any to be quite honest. I'm hoping that everyone who has land will be able to build, put in a septic, and there's not an issue. That being said, we have to wait to see what they say. I do like the idea of alternatives. I don't know what those would be. I'm sad that Springdale's not going to run a sewer line on the other side of the river for our Town, but I want you to know that I think we're doing this in the best interests of preserving our aquifer, our water sources, and then once this report comes back I think we should move forward.

Mayor Leach – I agree with what Michael has said, plus I think that at that time if we get information from this study that says we have issues in areas, that that is certainly a time when we have our public meetings, we talk to our residents and our property owners about what the findings are before we do any changes to our ordinances if they're needed. I think that's the appropriate time. I certainly am not looking for time to be able to create ordinances that I don't even know what they should be. I don't think anyone here is wanting... [Matt Aikens came back online and audible at this point.] Matt, are you back up?

Matt Aikens – Yeah, sorry. Technical difficulty there. I think I got cut off when I was talking about subsection 3 of 504. I guess that's what attorneys when they start talking technical code you can just turn them off, disconnect and move on and everybody's better off. It only allows extensions by the Transportation Commission, so I don't see any real basis with concerns expressed tonight that the Town has the ability to extend this beyond the six-month window. There had been discussions in terms of timing in conjunction with the study, and also whether the Town's discretion under this legislative Temporary Land Use Regulation it can move forward; and the key things are that there's the compelling countervail of public interest. The study may show a number of options. Ones allowed in terms of densities with septic systems. They may give recommendations related to the sewer system or expansion of the sewer system. I think there's a lot of information that will come from this. It may be that with the recommendations there's a discussion with the Health Department and what they want to see. It may also be helpful for the Town to sit down and talk with Ashcreek Sewer District. I don't think their service area extends this far, but they're a great resource which is very helpful to look at systems, and how to address this. Though they may not be involved, they could provide some technical references, information depending on what this looks like. So, those are some options that could come out in terms of information in discussion. The moratorium does specifically say if you can connect to the Springdale sewer system, that this moratorium would be not applicable to those properties. There is the question about a tank and I would suggest the Town, if that's presented, the Town would defer to what the Health Department would have to say in terms of the tank and pumping out, because you're not really experiencing a discharge. And at this point, I don't know what the Health Department would allow or what it does allow, but my advice to the Council would be listen to what the specific proposals are and what the Health Department says on that. There's always the possibility within the six months that this moratorium could be terminated earlier, but it does allow for it to be in place up to six months.

Mayor Leach – Thank you, Matt. Matt has said something too. We can, while this is in place, if it goes in place, we can talk to the Southwest Health Department and ask them – Tydon has told us that they will not allow or approve alternatives - septic systems. We'll talk to them and find out what's out there. We have had somebody, and I can't remember who it was, that had said there are different types of septic systems that are coming. They may not be useful yet, but they are in the works and that could solve problems for some parcels that are in areas that could impact water. It's not something we're saying no to permanently. We're trying to find out what's the best way to handle possible impacts to our water.

Matt Ekins – Mayor, I do have one additional comment. This relates to the study Washington County did in the late 1990s in terms of densities per septic systems throughout. Maybe a sister community could be an example in terms of these studies and how helpful they are or how development has gone and that's Apple Valley. I recall that study like a residential single use septic system with a density of around 7 to 8 acres in order to be a safe, use of all septic systems. For those that are familiar with the Apple Valley area, you have in the main town anywhere from a half-acre to one and a half acres of homes in terms of density. So, certainly Apple Valley had been developed and a lot of developing had happened before the 1990s, but it has indicated the challenges that community is dealing with where it has a higher density than what the studies are now showing. That location, the town decided to be annexed in within Ash Creek, so now there's not to be development with septic systems but actually sewer systems where there's treatment and

they can deal with those densities which would not only alleviate future development but as the system expands – or could be expanded to then incorporate existing homes where they're dealing with that density. This isn't a unique issue to Rockville. The study will certainly help, but if that density is what comes out that's something the Town should be very mindful of. That's a lot different than having densities at one-to-two acres per septic system if it's seven, eight, or nine acres. But again, that's for the study to show, and they say there's Great Swirl conditions where density could be a half-acre for a sewer/septic system in that, or with the underground water systems, aquifer levels. Those are all things that come into play. And there's a fair amount of private underground wells that rely on these water sources, so for those particular homeowners this study should be very insightful to help them know that their systems are being protected. Thank you.

Mayor Leach – Thank you, Matt.

Clerk Bell – I have a comment on here from Greg Minor. I'll just read what he's got. "But there is no emergency. It is not compelling. This is not good governance. Give us due process and proper notice. Please postpone your vote until you know what the Health Department will and won't allow. Then you could add specific language into your ordinance language that addresses temporary measures if they are allowed by the Health Department. Amend your ordinance per your attorney's advice and make it only applicable to lots under five acres."

Mayor Leach – No. Our attorney was commenting on what Apple Valley has done. Correct, Matt? That they have parcels of seven acres for a septic system? Is that correct, Matt?

Matt Ekins – Yeah, as far as I can see, the Washington County study – and it was county-wide in different areas – and just from memory what was done in the 1990s Apple Valley had a designation and I think it was around seven or eight acres needed for one septic system per residence. But the study will actually be the one that designates what that density is, whether it's as small as a half-acre or I've got clients dealing with development up on top by Bryce National Park, and the Utah Geological Survey was asked to determine a pristine aquifer status, which is a very, very high quality. Like, you could market that water. I mean, that's about as clean as clean can get, and in order to maintain that status it was about 40 acres of land needed for one septic connection to keep the water quality as high as it is right now. So, that's about as far as I've seen on the right-hand of that spectrum in terms of acreage needed for a septic, but that was the County's goal was to maintain a very high level of water quality.

Mayor Leach – And I think everyone should be mindful that we're looking at, we're having a geologic study which takes into consideration the ground. What's under the topsoil? Is it rock? Is it, you know, how permeable is it? So, those things are all different in different locations, and that's why we're doing part of the study too; it would tell what areas would allow more of the septic system to move. Yes, we have lots of questions. We've hopefully hired professionals that have done these types of studies before. The Water Quality Board commended the fact that we were doing this study – being pre-emptive, not waiting to where they've seen many communities that have waited too long and then have to deal with problems. This is what our goal is. Dan, do you have some comments?

Dan McGuire – I have a couple of things. I find it really interesting that they did a County-wide study of septic systems to assess what's going on. I don't know if anybody knows what the results may be or whether they're still pending, but because they did a County-wide (except for Rockville), I think it's important that Rockville protect itself in the same manner that the County did. I think it's important that we're proactive in protecting our water supply. We don't know if there could be a problem. It would be foolish not to do the study. It would be foolish not to have a moratorium before you did the study because who knows what can happen in six months with a number of potential septic systems. So far, it seems to be gloom and doom, but the study may prove that it's not a problem at all. I think it's important for everybody to know that we're using all of the professional resources that are available to us: the Division of Water Quality, the Southwest Utah Public Health, and others who are engaged in this process and have been through it. They're willing to give us the help and even fund most of it to get this thing done. It would be negligent, I think on our part, not to take some action, whether it's to impose this resolution tonight or to wait a week or to get more advice from our attorney, I'm not sure, but I think something has to be done to stop the process until we get the results of the study and then proceed from there. It'd be foolish to proceed straightforward right now without the study and then regret what we've done. Once the water quality is compromised, there's probably no turning back.

Mayor Leach – So, to make sure I understand, you're saying you think the moratorium is the right thing to do until we get the results of the study?

Dan McGuire – I do.

Mayor Leach – Ok, I just wanted to be clear on that. Megan?

Megan Honer-Orton – Well, if we put off our decision for another month, would that satisfy people that we aren't rushing into this?

Tydon Oler – Megan asked a question of the audience, so I'm just responding.

Megan Honer-Orton – For those of you who think that we jumped the gun and we're doing it in a hurry to get this done; if we were to put it off for another month, would that be satisfactory? Is that enough notice for everybody?

Mayor Leach – That's a change. Let's not change.

Megan Honer-Orton – It doesn't change anything except that people won't be able to say we jumped – that, you know, that they didn't have enough notice.

Tydon Oler – I think if you listen to your meeting minutes on February of this year, you will see that the mayor contemplated at that time to stop certain parcels that she deems to - the Town has deemed to be illegal in the past; she made specific comments about septic systems in that location. She made those on the record, and I think this is a push to that end and I'll review those comments on February's meeting.

Mayor Leach – And I'll review that too and I do want to comment to that because you brought it up. Specifically to the south mesa, from the time the Town incorporated, Washington County advised the Town of Rockville that that was an unapproved subdivision and could not be developed. We were continued to be told that by the County up until this year when information provided by residents up on the mesa as to when those properties were subdivided. In fact, indicated that they were a pre-existing non – they became now their pre-existing non-conforming lots. They're still within a 20-acre zone which means they have to comply with the 20 acres zoning we have, but there are ways of reducing setbacks and frontage that are required, based on their percentage of 20 acres. So, there are ways for those properties up there – that they can be built on, but there are requirements that are requirements for any parcel, not just there. Roads, water, sewer, power – things like that. Those are frontages. That goes with public streets. That goes with the development anywhere in town and so, in that February meeting – and I'll go back and listen to what was said and why it was said then, and when the additional information came out. But as I said, the Town and all of us have been under, because of what the County provided to us all these years, that that was not a legal or approved subdivision. We know different now, so now we are proceeding with those being non-conforming, pre-existing parcels, but they do still have to comply with our Land Use Code. And this is part of it, so we have to make sure that it's done properly. Jeff, do you have something?

Jeff Ballard – I can't see any reason to put it off. I think we need to be proactive and get it done and get it over with. And we're not trying to knock anybody out from developing their property or having a piece of ground to build a home on. It's not the intent, no matter what you think. I recall when I was a young man, before they put the sewer system in, everybody had an old septic tank and no leach fields or anything so it all leached into the river, and you could see it oozing into the river. So, I think this is the right thing to do and I've lived here my entire life and I just think it's the right way to go until we get a decision made and then go from there.

Mayor Leach – We've stopped now. This is our chance to discuss this. Thanks, Tydon. I too, feel that this is the right thing so that we know that we're doing - what we're dealing with and what's the right way to deal with it. I believe that, yes, we need to look into alternative septic systems. We need to talk with Southwest Health and find out how that works with them – what they can and can't do. We can talk to the people doing the study for us to see if they have additional information for us on what alternative systems are out there or may be out there soon. We can talk to Ashcreek; we'll certainly be doing our additional homework on our own to see what we can come up with that can be beneficial to our residents and the people that want to develop their property. But develop their property safely; where it doesn't impact our water. We are limited on the water we have. We know we have to buy – the pipeline company has to buy water from, or get water, take water through Rockville's – excuse me, Springdale's treatment plant during the summer when the wells don't produce enough water for the people that have water rights through the pipeline company, and we've had to do that for a number of years. We're all hopeful that this drought ends. We've had a very wet year. We had a great winter, but let's see five of those in a row and see our drought begin to improve and our water tables improve. Dan?

Dan McGuire – Is the Rockville pipeline engaged in this issue – concern for the quality of the water?

Mayor Leach – Yes. They have indicated a concern, yes. And they've also provided some information and studies that were done for them – have been provided to the UGS for their benefit and use. Sunrise Engineering had done a study, so that information has been provided and hoped to be helpful for this study and maybe help the process move along quicker. We're trying to obtain all the information we can and look at it thoroughly to make the best decisions. I think giving time to do this without having to worry

about building permits that may be before us that require a septic system and not know for sure if where their septic system is going to be and their leach fields will be impactful. Again, I talked to Mr. Lowe on Friday and he seemed to understand this. And I know they're in the process of drilling a well and if his son isn't that's different. I didn't talk to his son Matt, but I did talk to the father. If they've had further conversations, they haven't conversed with me. I am in favor of this moratorium. I think it's the right thing for Rockville to do. That's my opinion.

Megan Honer-Orton – May I call the question?

Mayor Leach – Yes, you may.

Megan Honer-Orton – I call the question.

Mayor Leach – What's the question?

Megan Honer-Orton – Do we approve this or not?

Michael Evenson – Don't we have to make a motion?

Mayor Leach – We have to make a motion. You can't call the question. We need to make a motion.

Megan Honer-Orton – I make a motion that we take a vote on this.

Mayor Leach – Approving it?

Megan Honer-Orton – Yes.

Mayor Leach – Ok.

Dan McGuire – What's the motion?

Mayor Leach – The motion is to take a vote on whether we approve this moratorium.

Jeff Ballard – I second the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

Mayor Leach – Thank you all for coming. I hope you will work with us, and we'll keep you informed if we get additional information as we move forward.

[There were some additional inaudible comments and questions from the audience who thought the meeting had ended.]

Mayor Leach – We're still in our meeting; sorry, Jacob. We haven't left our meeting.

Clerk Bell – We've got more to do.

Mayor Leach – If can hold on for just a little bit longer, we're pretty close to being done.

ADMINISTRATIVE ACTION ITEMS

1. **DISCUSSION AND APPROVAL OF RESOLUTION NO. 23-0913-01 A RESOLUTION OF THE ROCKVILLE TOWN COUNCIL AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS AND ROCKVILLE TOWN:**

Mayor Leach – Mayor Leach noted that the cooperative agreement in question was made at a time when we were still a Rockville-Springdale Fire District. It's now Hurricane Valley. Rick Wixom from Springdale informed the mayor that this does not apply to us; that this Forestry Agreement should be with Hurricane Valley, not with the individual communities. We are no longer our own Special Service District, she affirmed, and added that Rick Wixom informed her they had made a mistake and that Rockville officials should ignore that agreement. So, we will not be doing this.

2. **APPROVAL OF THE MINUTES OF THE AUGUST 16, 2023, REGULAR MEETING:** Megan **MOVED** to approve the minutes of the August 16, 2023 Regular Meeting of the Rockville Town Council. Dan **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

3. **APPROVAL OF EXPENDITURES FOR THE MONTH OF AUGUST 2023:** Dan **MOVED** to approve the expenditures for the month of August 2023. Megan **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

4. **APPROVAL OF THE AUGUST 2023 FINANCIAL STATEMENTS:** Michael **MOVED** to approve the financial statements for the month of August 2023. Dan **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

Mayor Leach – And just to let you all know, Vicki had our auditor in today for two hours and didn't find anything; everything was ok. Yeah, Vicki!

ADMINISTRATIVE NON-ACTION ITEMS

1. MAYOR AND COUNCIL MEMBER REPORTS

Mayor Pam Leach: Pam reported that we have arranged for a new "bounce house/obstacle course" for Rockville Days. Canyon Country Party Supplies has sold their business to Fun Time Inflatables which offers quite a selection and price range, so we'll have something new for the children this year. Zion Pizza Noodle will donate some coupons, and Davis Market has donated some items to use as fund-raisers at Rockville Days. Kate Starling will be donating something as well. Michael and Elaine will be performing live music again this year. Rockville Days will be held on Saturday the 14th of October. Donations for the raffle or Country Store fundraisers can be made in the Town Office.

Dan McGuire: Dan spoke to the business manager of the Fire Board about attending the next Town meeting. The County Commission is deciding not to put House Bill 392 on the ballot. Dan was told that they would meet with the County Commissioners to discuss their decision and what changes may need to be made on the EMS 1% sales tax. They're going to reduce property taxes and charge tourists to help pay for the EMS. That was shot down by the County Commissioner although it was approved by the Governor and the Legislature. The clock repair will take place on Monday at 10:00 am.

Michael Evenson: Michael had nothing to report.

Megan Honer-Orton: Megan shared that there was one person who called her seeking to do more about the CERT Program. This interested individual will be set up with the Washington County Emergency Services Department and they will explain to her their procedures and expectations. Megan will be collecting prizes and treats for Rockville Days.

Jeff Ballard: Jeff reported he spent about four hours on the Grafton Road last week grading it up. On the 23rd is the Grafton Reunion.

2. **STAFF REPORT AS NEEDED:** Clerk Bell announced all preparations have been made official regarding her retirement and the job for Rockville Town Clerk has been posted. Mayor Leach added that our State Representative on floodwaters told Clerk Bell that we're still looking for a FEMA representative and our floodplain review official. The State Representative suggested the Town of Rockville contact Springdale since they have an excellent, well-trained representative. The mayor said she had reached out to Rick

Wexham and was told he'd investigate the issue. It is hoped we will soon have our own well-trained officials.

ADJOURNMENT:

VOTE on Motion: Jeff **MOVED** to adjourn the meeting. Michael **SECONDED** the motion.

Michael Evenson: Aye

Dan McGuire: Aye

M. Honer-Orton: Aye

Mayor Leach: Aye

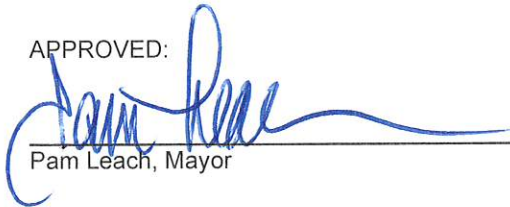
Jeff Ballard: Aye

The motion PASSED unanimously.

The meeting was adjourned at 7:24 p.m.

Minutes prepared by
Michael Hatfield
Town of Rockville

APPROVED:



Pam Leach, Mayor

The foregoing minutes were posted in the foyer cabinet of the Rockville Town Office by _____ at approximately _____ AM/PM on _____, on Rockville's Website and the Utah Public Notice Website.

Vicki S. Bell
Town Clerk



Rockville Town Council
September 13, 2023 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME	ADDRESS
Robin Smith	Rockville
Tim Olen	Rockville
Sandy Straub	Rockville
Jacob Anderson	Rockville
Rob Snyder	Rockville
Curtis Corrick	Rockville
Tessa Keichenbaumer	Rockville
Robbie Staheli	Rockville
Bruce Waldron	St. George (Lower Rep)
Rick Vesco	Rockville
Jim Vesco	Rockville
Don Staheli	Springdale