

Rockville Town Council Regular Meeting
Rockville Town Hall
April 10, 2024 – 6:00 pm

1. **CALL TO ORDER-ROLL CALL:** Mayor Pam Leach called the meeting to order at 6:00 pm. The following members of the Town Council were present: Michael Evenson, Robin Smith, Megan Honer-Orton, Mayor Pam Leach and Jeff Ballard. Town Clerk, Shelley Cox, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF THE AGENDA:** Michael Evenson **MOVED** to approve the agenda. Jeff Ballard **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Robin Smith: Aye
Megan 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 declared.

PUBLIC COMMENTS: Mayor Leach said one person had requested to comment. Joe Harper approached the Council. He said he wanted to apologize for having such a contentious or adversarial relationship with the Town, but there is and I'm sure I'm a part of that. I don't know how to undo that, so I just don't know. He said I'm going to say my piece and then I'm never going to bring this up. That's what I'm here for, is just to say that I'm going to leave right after public comment. I accepted what you discussed last month was not an ethics violation, and I had gotten the letter from the Washington County Attorney saying it didn't reach the level of criminality. I think what we should do is be honest about what happened. So, you guys knowing that you were going to purchase a half-acre from David Zundel, reached out from the office and asked David Zundel to sell that half-acre. Vicki Bell did that. She knew that was happening because of her position as town clerk. Mayor Leach didn't put it on the agenda as an ordinance, which if you purchase land in the Utah State Code, it says you have to do it. Vicki Bell specifically because of her position as town clerk and inside information was able to obtain 30% of the portion behind her lot. Had she not been town clerk, that probably wouldn't have happened. You made an executive decision. Hey, in the March meeting that year, you said we're going to buy David Zundel's lot. Then you decided the Town won't need the whole thing. You didn't take public input. Maybe you did need the whole thing. You didn't ask the citizenry of Rockville. Do we need the whole thing? What's your input? Anything like that?

So I don't know how that's not an ethics violation. It seems like an ethics violation. What makes me wonder, is any good deal that happens in the office you guys can just see who benefits and do that without input as an ordinance, putting it on the public agenda, nor asking for public comment. That's what it seems like to me and I'm frustrated with that.

I offered my piece of property for free to the town of Rockville, the one that I've blocked off near the new maintenance building. Mayor Leach interjected that she had never heard it was offered for free. Joe Harper said he offered it for free in exchange for permission to hike people up to my other property. This proposal was not entertained. The citizenry weren't asked if they'd be ok with that. I was just told no. Another decision was just made in the office without any public input. Why

were the citizens of Rockville not asked for input or asked if that would be a good deal or would you be OK with that? The answer was just a no.

Joe Harper said then last month when I came to make public comments you said, did he get his name on the list? And then you looked up at the clock and it was 16 minutes before the meeting started. You said, ok, Joe made it so he can make public comments, put his name on public comments. Then I came and said my public comments that I thought the maintenance shed should be moved to the other side of the current lot. I had made the request for public comment 16 minutes before the meeting, but Shirley Ballard got up and made an impassioned comment. She didn't have to put her name down 15 minutes early, and I understand that. Jeff and Shirley Ballard are like matriarch and patriarch of this town. They've been here forever. But what it does seem like is there's a different set of rules for certain people in this town than there is for others. And it's frustrating. That being said, I will never bring this up again.

Joe Harper said I do not know how to bridge the animosity or contention or wherever we find ourselves right now. I wish I knew how to fix that. I want to apologize for my portion. I know I have not been a good citizen of Rockville at times, and I apologize for that. Thank you for your time.

Mayor Leach said, Joe, if you don't mind, I'd just like to comment to you, I don't know anything about this 16-minute thing because when I came in Vicki said you had signed in for the public comment. Joe Harper said last month, you said you can't comment on any agenda item. And then I said I have a different comment I wanted to make. Then I came back, and I said, hey, I'd really like to do a public comment. You said the issue can't be on the agenda, right? And then you said is it 15 minutes till and then you looked up and it was 16 minutes and you said go ahead and put his name on public comments. So what I feel like is you didn't want to hear from me, and I didn't make that 15-minute threshold, you guys would just say no, Joe, you can't. But Shirley or somebody else who is a longer-term resident of this town, can just not have to go by that same threshold. Mayor Leach replied she didn't remember saying anything about a 16-minute threshold and right on the agenda it says you must notify the Town Clerk for public comments by 5:45 p.m. meeting. Joe Harper said yeah, it's 15 minutes. Mayor Leach said no, what I was trying to say is I did not remember saying that. She said she would like to end the animosity also and so what would have been appreciated is that we presented to you the offer to buy your parcel and the offer was rejected. Joe Harper replied It's fine. It wasn't a big thing I only used that as an example.

Mayor Leach replied to your questioning ethics had been to our attorney prior to taking any kind of action and had been told that the Town was fine and what we were doing was alright. That letter was provided to you with the GRAMA request. Then your GRAMA documents were submitted after that. Anyway it's been unfortunate that this subject just keeps coming up and now again.

Joe Harper said after today I'm not going to ever bring it up again. What I am saying is that what it makes me feel like if this isn't an ethics violation. If Vicki Bell just gets to use her position to reach out to David Zundel to buy a half-acre and if Terry Bell approved this action without noting a conflict, which I noted in that GRAMA request. It was a done deal in the office by people who live in this town, and it was facilitated, and it was a violation of ethics as far as I'm concerned. So if that isn't a violation of inside information or Vicki should have recused herself because she was financially benefiting from that 30% of that lot, then what is an ethics violation? What level do we have to go to for the Town citizenry would know about it. Or now that if a piece of property comes in and somebody in the town is adjacent to that property, they can just work out a deal without ever going for public input. That is frustrating to me. It makes me feel like there's a different set of rules for certain people in this town than me, and that's a very huge divide to cross. But like I said,

I'm done, and I apologize for my part. I recognize that I have not been a good person. I will try but I don't know how to bridge that problem.

Michael Evenson asked a quick question; this is before I came as serving on the Town Council. I talked to you about that two months ago, but regarding your statements tonight, I don't think the town should deal with probabilities. And that's where the words are used as opposed to facts. And regarding the trail that you were trying to give land for, did you ask to have that on the agenda for Town Council. Joe Harper said no, I just came into the office and said, hey, I'd be willing to give you that little section that the driveway goes over to make it convenient, because right now there's where my post on that thing is. It's going to make it almost impossible for a dump truck pulling a backhoe and a trailer to get into that lot. Michael Evenson said it seems to me that would be the same kind of situation where you're working to deal with the Town privately as opposed to having it come to an agenda item and talking about it. Joe Harper said he went in and said I'd be willing to do that and didn't know what the next step was, so maybe the next step was to go to the Town Council. That was something you guys would consider, but that wasn't one of the options. I was just told, no, that will never happen. Period. Joe Harper said that decision was made/executively in that office, like a lot of decisions. The floor project recently completed; you guys didn't approve the budget for the floor until afterward completed. That decision was made without public input. The finances for that lot, you approved the purchase. You reached out in March. You didn't approve the finances until later. Michael Evenson said ok. Joe Harper said the property purchase wasn't approved until May with Ordinance #3 or something like that. Michael Evenson said Joe, I'm not convinced I'm not really in the know about this, but I'm not sure that having the floors we finished either before or after is something that the town needs to weigh in. Joe Harper replied why not say hey, we're going to get the floors done. That's what the government is. To state hey we are going to accept public bids, you know what I mean? So we're going to go ahead with this project. But they didn't do that. They just said we're going to hire this guy. That guy did the work and then the finances for that was approved after the work had been done, it makes me feel like so whatever, you know, somebody's going to go fix the trucks or whatever. Somebody's going to do whatever, and those bids have never gone to public bid process. They'll never ask for public input. You know what I mean? It just seems the actions happen and then approval later, better to ask for forgiveness rather than permission. That's what I feel like this is being operated as. I'm going to let it go and I don't know how to fix this. I do not know how to fix my feelings. I do not know how to fix my frustration. I am going to be a long-term member of this community.

Michael Evenson said I think your apology is also the first step and I appreciate that. He thanked Joe Harper for the effort. Joe Harper said so all right guys, I'm glad it was a small meeting and we could talk about this issue. Mayor Leach thanked Joe Harper and wished him a good evening.

DISCUSSION/INFORMATION/NON-ACTION ITEMS

1. **REPORT ON HURRICANE VALLEY FIRE SPECIAL SERVICE DISTRICT:** Mayor Leach reported last month, Rockville had no calls of any kind. Springdale had a total of 17 calls. They had one fire call, 12 EMS calls and four other calls. Virgin had a total of seven calls with one fire, two EMS and four other calls. For the Hurricane Valley Fire District itself, so far this year, they've had a total of 1390 responses from the various stations. Springdale station had a total of 50 fire calls this year. Vicki Bell asked if these numbers included Zion National Park. Mayor Leach said it used to but then those reports stopped coming. She will ask the Fire District if those reports are available for review.
2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION:** Vice Chair Tim Arnold reported on the Planning Commissions actions from the previous night. Last night we had three items come before the Planning Commission. The first item was an application for a grading permit for property at 128 West Grafton Road for John and Nancy Lowe. The grading permit was

approved by the Planning Commission. It's really to bring the level of the home up to the floodplain based on an engineering study and that was approved by the floodplain people. Mayor Leach asked how high or how much are they having to bring in? Vice Chair Arnold said according to their new study, it's about a foot. A foot is what they have to bring it up, to make it work because they're bringing it to ground level and then their foundation is 1 foot higher than that.

The second issue on this item is to cover up the open ditch on the property. Jeff Ballard reported the open ditch is only used by individual property owners. Vice Chair Arnold stated a letter will be needed indicating this. The Council discussed if the item could just be noted from this meeting and Vice Chair Arnold said it would be better in a direct written letter for the Planning Commission. This issue was approved with the contingency a written letter would be provided regarding the ditch.

Vice Chair Arnold stated the next item for consideration and action was on a building permit application for a new residence with a detached garage and pool house the same location, 128 West Grafton Road for John and Nancy Lowe that was tabled as the application was incomplete. They will be working with Vicki to get everything required and submitted for next month's meeting.

And the third and final item for consideration and action on a building permit application for a new home located on parcel number R-1308 for Zion Holdings LLC/Jacob Anderson. This was a long discussion. With input from Roger Carter as well, who was the representative from Five Counties. During that discussion it was determined that the lots on this Mesa are legal, non-conforming lots and Roger agreed and I guess that's what our attorney said before as well. So based on that and based on our code which says if it's a legal non-conforming lot we have to approve, and it cannot be rejected based on that point. We went through each point of the permit process and voted, and it was approved. Vice Chair Arnold said there is one major contingency. There are a couple points of information is what is the status of the road to this property. It needs to be determined if it is a public road or private road. So, it is contingent on that process, which I believe is in the hands of the Town Council for roads, according to our plan.

Mayor Leach said that will have to be considered on next month's agenda as it is not on tonight's agenda. She said research will be needed to make sure what process to follow and laws associated with this issue. She said Garth Tyler the Chairman of the Planning Commission had reached out to the State Ombudsman to get an official ruling. He is requesting real definitions on what is a public road versus a private road. In order for a building permit approval the lot must have frontage on a public road or private road but must have a Town approved road. Did the Town ever approve these roads? This definition is vital in the decision-making process. Chair Tyler will ask the Ombudsmen to inform all the Council, so that we have accurate and correct information. Michael Evenson asked the Ombudsmen's name. Mayor Leach said Jordan Cullimore is the Ombudsman for the State and she has dealt with him before. He's a great guy. He did one of our trainings. So, it's a perfect place to start.

Michael Evenson asked if it can be a public road or private road, and those are both fine. In order to get up there. What's the question? Vice Chair Arnold said the issue is if the road is Town approved. It may be a public road but may not be town approved. If it's a private road or prescribed road that has been approved by the Town is his understanding.

Mayor Leach said we need to find out the specifics. Vice Chair Arnold said a map was provided by the County of Washington that showed the road there. It is only a numbered road, with no name associated to it. But again we want to make sure that we have our own resources to determine if this road is official. Jeff Ballard asked is it the road that goes down to Jacob's property or is it one that goes around the back way. Vice Chair Arnold said according to the map that I was shown that was printed from the Washington County website it is legal and I checked that. Jeff Ballard said he was not doubting the road, but merely questioning which road it is. Vice Chair Arnold said he is not sure and can only say it's 5907 and it goes all the way up and goes right through that Subdivision location area. Mayor Leach said she thinks it begins where Eagle Crags Road is and would turn and go up to the trailhead and the radio towers. Mr. Anderson will be contacted to supply the maps displayed at last night's meeting for the Council to review on a

larger scale and easier to make out the area. Vice Chair Arnold said it goes up through the property all the way to the BLM land and then it goes on to federal property.

Michael Evenson asked about the current moratorium on septic tanks. Mayor Leach said the septic tank moratorium for building permits has expired, but the study has not been completed and should be done in June. Michael Evenson said on the septic density study he's just one building, so that's probably not an issue.

Mayor Leach said we would get the larger maps and then we'll wait to hear also from the Ombudsman.

ADMINISTRATIVE ACTION ITEMS

1. **DISCUSSION AND ACTION OF A PROCLAMATION DECLARING APRIL 27, 2024 AS ARBOR DAY IN THE TOWN OF ROCKVILLE:** Mayor Leach then read a proclamation declaring April 27th, 2024 as Arbor Day in the Town of Rockville. (See attached Proclamation). Mayor Leach explained Robin Smith is over our trees and has arranged for Justin with Zion Arborist to come in and educate people on trees. Robin Smith said he will be here and do our usual kind of pruning in the park and they won't be planting any trees in the current park, but next year when the maintenance building is completed, we can then do some plantings and expand on stuff. Robin Smith said she has some swag to give away and everyone is encouraged to bring a dessert to share.

Mayor Leach said after the Arbor Day Presentation the CERT Team is going to do a presentation to introduce themselves and become acquainted with those living in town. It will be Emergency personnel and law enforcement. The object is, as we have been unable to get together with police and fire personnel, this will provide a way so they know who we are, and we know who they are.

Mayor Leach said this will be on April 27th from 9:00 to noon, in the park.

2. **APPROVAL OF THE MINUTES OF THE MARCH 13, 2024, REGULAR MEETING:** Megan Honer-Orton **MOVED** to approve the minutes. Robin Smith **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Robin Smith: Aye
Megan Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

3. **APPROVAL OF EXPENDITURES FOR THE MONTH OF MARCH 2024:** Megan Honer-Orton said she had questions, but they had already been answered in the office. Megan Honer-Orton **MOVED** to approve the listed expenditures for the month of March 2024. Jeff Ballard **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Robin Smith: Aye
Megan Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

4. **APPROVAL OF THE MARCH 2024 FINANCIAL STATEMENTS.** Mayor Leach thanked Vicki Bell for her hard work on the financial statements. Jeff Ballard **MOVED** to approve the financial statements for March 2024. Robin Smith **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Robin Smith: Aye
Megan Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion **PASSED** unanimously.

ADMINISTRATIVE NON-ACTION ITEMS:

1. **MAYOR AND COUNCIL MEMBER REPORTS.**

Mayor Pam Leach reported Dan and Alaine McGuire and Jeff and Shirley Ballard and herself and Ron went down this morning and set up the towns display at the County fair. There was lots of information contained in the display and it turned out very nice.

Mayor Leach encouraged everyone to come celebrate Arbor Day on April 27th. Bring your gloves, your pruners, your loppers and make a dessert to share. There will be ice cream and some drinks, plates and bowls or whatever is needed. And napkins for those of us that are messy. She said this is always an enjoyable morning.

Michael Evenson had nothing to report from the mosquito abatement people.

Robin Smith reported Joe Decker was pinned as the new Chief of the Fire District. He had been acting chief. The Fire District is still trying to get funding and is in ongoing discussions in terms of its sales tax versus going through truth and taxation and other possible funding methods.

Megan Honer-Orton stated the great Utah shakeout exercise is coming up throughout the State to encourage preparedness for citizens in case of an earthquake.

She reported that right after the Arbor Day celebration is completed there will be a CERT team on hand in the Park to meet and greet. That way they will recognize Rockville citizens and the citizens will know who is on the CERT Team.

She said the purple air quality monitor owned by the Town needs to be installed now and she has someone willing to help and check out plugs and electrical supply to the outside location on the corner of the Town Office. The program and monitor itself will need to be installed. This issue will be worked on this week.

Jeff Ballard reported the weed spraying has been completed at the Cemetery and looks good. A small portion in the middle of the Cemetery has not died yet. The thistle is turning brown and it's encouraging.

Jeff reported Elaine Harris passed away, the previous Town Clerk, and her services will be held here in the Community Center next week.

2. **STAFF REPORT AS NEEDED:** Clerk Bell reported there are some small bushes in the Park that may need to be replaced and could be done for Arbor Day.

Shelley Cox reported the Mayor received a letter recognizing the Town as a Tree City Designation for 2023 and is posted on the web.

Also new light bulbs were requested recently for missing streetlights through Town. At that time Rocky Mountain Power requested to meet with the Council to propose replacing our streetlights with large poles and lights. As our streetlights are the only ones within the State like this and

causes many man hours when they need replaced. The Town does supply the light bulbs. It was noted the current streetlights are historical. They may request to be on an upcoming agenda.

Jeff Ballard **MOVED** to adjourn. Michael Evenson **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Robin Smith: Aye
Megan Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

The meeting adjourned at 6:45 pm

Minutes prepared by
Shelley D Cox, Town Clerk
Town of Rockville

APPROVED:



Pam Leach, Mayor

The foregoing minutes were posted in the foyer cabinet of the Rockville Town Office by Shelley Cox at approximately 10:00 AM/PM on 5-16-24, on Rockville's Website and the Utah Public Notice Website. Posted to Spectrum Events _____.



Shelley Cox

