

**Rockville Town Council
Public Hearing and Regular Meeting
July 13, 2016
Rockville Community Center**

1. **CALL TO ORDER – ROLL CALL** – Mayor Pam Leach called the meeting to order at 6:00 p.m. The following members of the Rockville Town Council were present: Barry Sochat, Megan Honer-Orton, Terry Bell, and Mark Hartless. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE** – Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF AGENDA** – Terry Bell **MOVED** to approve the agenda. Barry Sochat **SECONDED** the motion.

VOTE on motion:

**Terry Bell – Aye
Megan Honer-Orton – Aye
Mark Hartless – Aye
Barry Sochat – Aye
Mayor Pam Leach – Aye**

The motion passed unanimously.

4. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM** – There were no conflicts declared.

PUBLIC COMMENTS – There were no public comments.

DISCUSSION/INFORMATION/NON-ACTION ITEMS

1. **REPORT ON ROCKVILLE/SPRINGDALE FIRE PROTECTION DISTRICT – CHAIR LUCI FRANCIS** – The report referred to above is attached to the minutes. In response to a question raised, Ms. Francis reported that none of the calls received on the 4th of July were fire cracker related.
2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION** – Planning Commission Chair, Bob Ford, reported that at the previous night's meeting the Planning Commission recommended taking the Multi-Housing Task Force's revised ordinance to public hearing. Several Work Meetings were held with most of the issues having been identified. The public hearing has tentatively been scheduled for August 10. Bob stated that a few items will need to be revised, including a revision to allow property owners to obtain a business license during the temporary period. Some of the language that should be included on the business license will be drafted by the Planning Commission.

Bob stated that the Commission discussed in detail the minimum 30-day limit on rentals. It was not clear in previous ordinances and some have creatively avoided the 30-day limit. The intent is well-defined in the ordinance in terms of what is meant by transient, vacation, and other types of short-term stays. At the next meeting the Commission will address whether to change the current 30-day minimum to 60 days so that it is clear that the intent is for longer term rentals and not

overnight and short-term stays. Bob referenced changes that have taken place in the park, including a freeze on hiring more workers. He acknowledged the need in town for affordable housing. He explained that it is likely that if the door is opened to rentals, they will likely be occupied by restaurant and hotel workers who currently commute.

Bob stated that there was discussion about the water issues, which he felt can be managed. With regard to business license issues, he questioned whether the town is serious about enforcing business license issues. He commented that allowing rentals with business licenses may create a bigger problem for commercial or quasi-commercial businesses, which they are trying to avoid.

Mayor Leach recalled that in previous discussions it was decided that allowing someone to obtain a business license to have a rental was not desirable or practical. It was noted that 20% of the town consists of absentee owners who rent their properties. Bob stated that there also is a legal issue as well as a practical issue. The Mayor suggested that the matter be reviewed by the town's legal counsel. She wanted to ensure that it can be done legally. Bob suggested the town get feedback from the community and proactively raise the issues at the public hearing. Enforceability issues were discussed. It was determined that the matter would be reviewed by the town's attorney prior to the public hearing.

Bob brought up the issue of having an accessory dwelling unit listed on the deed as a rental unit. At the previous night's Planning Commission Meeting, it was suggested that those with rentals provide the town with a copy of the Lease Agreement so that they are aware of who the renters are. It was decided the Town would not be legally entitled to this information, but that the Town could request the name and phone number of a renter to have on hand for emergency purposes. Mark asked to what extent the Commission referenced multi-housing ordinances from other municipalities. The Mayor stated that the Task Force looked at other communities and spoke to representatives from Springdale and Virgin but never found anything that was exactly what they were looking for.

Megan expressed concern with holding the public hearing in August and did not consider it to be optimal timing. Mark's primary concern with the multi-housing issue was enforcement. It was decided to postpone the public hearing until a review of the draft ordinance was made by the Town's legal counsel.

Bob stated that at the August meeting they will begin to look at the issue of non-habitable structures such as awnings, sheds, barns, tree houses, etc. He felt that clarification was needed.

ACTION ITEMS

1. **DISCUSSION AND ACTION ON RESOLUTION 16-0713-01 – A RESOLUTION TO APPOINT A ROCKVILLE RESIDENT TO THE SOUTHWEST MOSQUITO ABATEMENT AND CONTROL DISTRICT BOARD OF DIRECTORS** – Megan Honer-Orton **MOVED** to pass Resolution #06-0713-01. Mark Hartless **SECONDED** the motion.

Mayor Leach reported that Barry Sochat agreed to serve as the town's representative.

VOTE on motion:

Terry Bell – Aye
Megan Honer-Orton – Aye
Mark Hartless – Aye
Barry Sochat – Aye
Mayor Pam Leach – Aye

The motion passed unanimously.

2. **DISCUSSION AND ACTION ON ORDINANCE 16-0713-01 – AN AMENDMENT OF ORDINANCE 05-1012-01 AN ORDINANCE RESTRICTING THE OPERATION OF OFF-HIGHWAY VEHICLES IN THE TOWN OF ROCKVILLE** – Mayor Leach explained that the intent of the above matter is to bring the ordinance up-to-date as a result of the State updating their Code last year. In addition, in order to put up new signage, the Police Department wants the town to have an ordinance in place that they can enforce and that is current and complies with the current state laws. Barry recommended that a fine be printed on the signs as well. After conducting research, they found that in the State Code, any violation is considered an infraction, which has a fine that is the same as the potential fine for a Class C Misdemeanor. As of January 2015, the fine could be up to \$750 plus a 35% surcharge for a total maximum fine of \$1,012.50. The Mayor explained that even if the fine is printed on the sign, the court will ultimately have discretion. She recommended that the verbiage for a Class C Misdemeanor be changed to read “... an infraction that is punishable by a fine of up to \$1,000 per offense.”

The Mayor stated that law enforcement has to enforce state laws already but are waiting for the ordinance to pass because it gives extra clout. By state law, a street is only open to off-highway vehicles if it is posted. Otherwise, it cannot be traveled on with off-highway vehicles.

Mayor Leach reported that she came across a site that contains a map of ATV routes. It identified the area from the junction of Smithsonian Butte and Grafton Road to be a legal route all the way to Grafton. Bob spoke to Chris Haller, Head of the OHV of the State Office of Recreation and State Parks, who indicated that he would remove it from the map. He claimed that the County informed him that riding is permitted on County roads as long as riders remain on the road. Bob informed Mr. Haller that the roads are maintained by the Town of Rockville. Mr. Haller understood and was willing to work with the town. Mayor Leach stated that after Bob spoke to Mr. Haller he indicated that they had removed that section from the map. Megan observed that the Smithsonian Butte Road, the section of road known as Cry Baby Hill, is actually on BLM property. If that is proven to be the case, the town should not need to maintain it.

Mayor Leach stated that Mr. Haller expressed a desire to meet with the Council at the August meeting and discuss how they are willing to help the town. Bob explained that the BLM map that was provided to the Council is difficult to read but most BLM areas, such as around the cemetery, do not allow off road OHVs. The Mayor suggested a BLM representative also be present to participate in the discussion.

Megan Honer-Orton **MOVED** to adopt Ordinance #16-0713-01. Barry Sochat **SECONDED** the motion.

VOTE on motion:

project was expected to go out to bid in October with completion anticipated prior to the season starting in 2018.

Barry Sochat expressed concern about the operation of drones. The Mayor recommended that those types of concerns be put on the agenda for discussion and possible action.

Megan Honer-Orton thanked all who participated in the drill team. She planned to collect the names of all of the participants and stated that they had the biggest drill team they have had in years. She planned to send out a thank you via email since the newsletter is a few months away.

There was previous discussion about purchasing a cover for the CERT trailer. Megan, however, thought a cover would be unnecessarily difficult to get on and off. She wondered if an aluminum carport could be used instead to protect the trailer and keep it clean. The Mayor recommended the cost be explored. She stated that an aluminum awning would last longer and require less maintenance. Mark commented that an aluminum cover will likely not be as protective as a tarp since debris will still blow in and the sun will shine on the trailer. Megan was most concerned about the fall leaves.

Mark Hartless was concerned about roads and thought the town should figure out a way to take action. The possibility of obtaining grants to help with the cost was discussed. Terry indicated that he was told by Chris Hall that there are grants available. Mayor Leach hoped that when they met the following week, Rod Mills would have additional information and be able to help. Joyce Hartless informed Mark that she would be happy to help with grants. Terry had heard that there are companies who can be hired to help obtain grants. Mayor Leach suggested the town first identify roads in order of importance and identify what work specifically needs to be done on each. Mark had a general idea of where he would like to begin. The Mayor asked Mark to provide that information to her via email. She asked him to help her compile information for a meeting scheduled with Rod the following Wednesday. Vicki was asked to participate in the meeting as well since she will be handling the B&C Road Funds and possibly be involved in the application follow up.

Mayor Leach reported that the Bridge Artwork Silent Auction at the Canyon Community Center raised nearly \$3,000 for the Bridge Fund. They still have unsold art pieces that the artists have allowed the town to keep. They will be put up for sale at the Pioneer Day Event on Saturday, July 23 from 6:00 p.m. to 8:00 p.m. in the Town Park. The group handling the event gave the town permission to have a table about the bridge. A painting by Bonnie McGee will also be raffled off. Signs will be posted and Vicki was asked to sell raffle tickets. The Mayor thanked the artists and all who participated. She stated that any art that is left over may be sold at a future live auction. They will also be selling art at the Rockville Daze event on October 15.

The Mayor thanked all who participated in the 4th of July Parade.

Mayor Leach next reported on problems and stated that Mark and Bob recently witnessed a semi-truck and trailer hauling dirt over the bridge. Mark spoke to the driver and planned to report the incident to the owner but the driver promised not to do it again. A few hours later, however, he was back. Mark called the police and the officer followed the driver to Allen Lee's property. The driver was informed that he could be cited and that his personal license and the company's license could be affected by the violation. Officer Ballard and the Mayor discussed what action

Terry Bell – Aye
Megan Honer-Orton – Aye
Mark Hartless – Aye
Barry Sochat – Aye
Mayor Pam Leach – Aye

The motion passed unanimously.

3. **APPROVAL OF THE MINUTES OF THE JUNE 15, 2016 PUBLIC HEARING AND REGULAR MEETING** – Terry Bell **MOVED** to approve the minutes of June 15, 2016 Public Hearing and Regular Meeting.

The minutes were reviewed and modified.

Barry Sochat **SECONDED** the motion.

VOTE on motion:

Terry Bell – Aye
Megan Honer-Orton – Aye
Mark Hartless – Aye
Barry Sochat – Aye
Mayor Pam Leach – Aye

The motion passed unanimously.

4. **APPROVAL OF EXPENDITURES FOR THE MONTH OF JUNE 2016** – Megan Honer-Orton **MOVED** to approve the expenditures for the month of June 2016. Barry Sochat **SECONDED** the motion.

VOTE on motion:

Terry Bell – Aye
Megan Honer-Orton – Aye
Mark Hartless – Aye
Barry Sochat – Aye
Mayor Pam Leach – Aye

The motion passed unanimously.

ADMINISTRATIVE NON-ACTION ITEMS

1. **MAYOR AND COUNCIL MEMBER REPORTS** – Terry Bell commented that the SR-9 road improvements have been divided into two sections with work expected to commence in January 2017. Mayor Leach reported that she and Terry met with the Bridge Project Manager, Chris Hall, who indicated that for Rockville's section there is only one place where they will need to obtain a temporary easement from a homeowner for access while they complete some of the shoulder work. Terry had already spoken to the homeowner and it was not expected to be an issue. The

to take. It was reported that law enforcement cannot locally enforce those types of situations but they have the authority to detain the offender and contact the state agency responsible for weighing trucks to ensure that they are not overweight.

Officer Ballard also obtained the name of the driver and the company and Mark took down the license plate number. That information would be used to follow up with a letter from the town or its legal counsel to let them know that the town will enforce the law. The Mayor noted that Allen Lee may also receive notification. Her understanding was that the dirt came from the new hotel being built behind the Hampton Inn and was being dumped on the Sanchez property. To her knowledge the Sanchez's have not come forward with plans or requests for excavation or grading permits. It was noted that dirt was also dumped on Tydon Oler's property. It was noted that the company was previously cited in Springdale as well.

Mayor Leach reported that a property owner recently approached the town and reported problems with guests of the Retreat at Zion loitering, trespassing, and begging for cigarettes. The property owner reported the matter to the state and received no response. Clerk Bell stated that Elaine has researched the issue and has been in contact with the State. The next step would be to follow up with a complaint.

The Mayor stated that a complaint came in that one of the local ATV companies was staging their customers on the Sanchez property. An area that had previously been used to stockpile materials had been cleared and new gravel was put down along with a gas tank, water tank, ATVs, and a truck and trailer. Based on that information, Bob and the Mayor spoke and she obtained from Officer Ballard the name of the company and the owner's name and phone number. Bob made a call to inform them that the situation had been brought to the town's attention and asked what they plan to do as it may be in violation of the Code. Bob sent an email to the company owner and requested that they make an appointment to meet with himself or the Mayor to discuss their activities. The owner indicated that the town would soon hear from their attorney and questioned Bob's authority to represent the town. Clerk Bell and the Mayor sent an email to the town's attorney to inquire as to whether the activities are in violation of the Code. It appeared that the operator has a business license in Springdale but is clearly staging their business in Rockville without a license. The response from the town attorney was that they may have a conflict of interest because their firm also represents the ATV operator. The Mayor was awaiting a response.

Mayor Leach commented that the parking of vehicles in Horse Valley Wash and Grafton Road has gotten worse. Megan suggested that other alternatives the town has to control the situation be explored through the Utah League of Cities and Towns. The Mayor first suggested they wait and see if the town attorney can offer an opinion. She was concerned that the area has been improved, customers are parking on the Sanchez property, and ATVs are being stored there as well as fuel.

The Mayor reported that the previous morning she and Terry met with Chris Hall to discuss a starting date for the bridge project. They plan to begin the design phase the end of August or beginning of September. Mr. Hall indicated that the environmental review could take 4 to 12 months to complete. As for the design phase contract, the Town has options. For example, if the cost of the engineering is \$120,000 or less, they can do a direct select. The Mayor and Terry agreed that having UDOT review the qualifications of firms would be to their benefit since the

town does not have the ability to determine whether they are qualified. Mr. Hall indicated that if they were to do a direct select they would be happy to review any offers that come in. He understands that the town is still working on the Transportation Plan and it has to be approved by the Non-Urban Sub-Committee before they can move forward. Chris Potter also confirmed that with Mr. Hall.

The Mayor informed Mr. Hall that the town has funds set aside for their portion of the initial \$200,000. If they complete the inspections and environmental review quickly, \$2 million will come in October with the remaining \$300,000 to be received in October of 2017. If they are ahead of schedule and ready to proceed, the Town can obtain a short-term loan to float the funds since the funding must be in place before the project is put out to bid. When the money comes in in October, it can be used to pay off the loan.

The Mayor reported that options for crossing the river while the work is being done were also discussed. It appeared that the best option was to construct a temporary crossing for people who live on that side of the river. UDOT has a Bailey bridge, which is a temporary two-lane bridge. It was used in Santa Clara during the floods in 2010. Jim McConnell informed the Mayor that he thought the town would be welcome to use it. It is currently disassembled and in storage. The town, however, may have to pay for new nuts and bolts to put it back together and install whatever abutments are needed to cross the river. The benefit would be that it would be above the water level and the environmental review would approve it more quickly than putting culverts and rock across the river. It was confirmed earlier in the day by Tracy that a property owner indicated that he would be willing to allow the town to cross his property temporarily if they create a temporary river crossing while the work is being done on the bridge.

The possible location of where the Bailey bridge would cross was identified. It was Mayor Leach understands from Jim McConnell that the bridge is 205 feet long, which is sufficient. The town's bridge is 221 feet long and is more than adequate for the river banks. The most current Transportation Plan draft was prepared and will go with the maps to be obtained from Rod Mills. Rod indicated that they added the parcel map overlay to the road maps so that they can easily create something that can be used to go with the Transportation Plan. Once that is accomplished, she will provide it to Dirk Clayson with the Non-Urban Sub-Committee, for approval. They can then go to public hearing. She did not want to go to public hearing until they have the NUSC support on the direction the town is taking.

The Mayor reported that the previous day she attended a collaboration clinic with representatives from the Park and Springdale and all of the stakeholders regarding increased visitation and issues that are arising. The intent was to work together and begin taking action. The park posted signage over the 4th of July weekend that was very helpful. Ten thousand (10,000) people walked across the bridge entrance station on Sunday, July 5 alone. That weekend visitation was up 40% over the previous year's numbers. Discussion took place on whether it was because it is the 100-year anniversary or indicative of the future. Stakeholders were present from the east side of the park who voiced concern. It was anticipated that in a few months they will convene actual meetings to deal with issues and find solutions. Council Members and citizens were invited to attend the meetings.

Returning to discussion of the bridge rehab, various design phases were described. They included the Design/Engineering Phase, Environmental Review, Pre-Construction/Engineering,

and Construction. There had been discussion of hiring a consultant who can also serve as the design engineering firm or the engineer. They can also have a completely separate consultant that oversees the project in addition to the Project Manager from UDOT to ensure that the work is being done according to the engineering design. If the bid is \$120,000 to \$150,000 they would select one of five firms based on their qualifications. They would be reviewed by two engineers from UDOT and others.

Mark commented on the cost of the temporary bridge. It was noted that culverts and rip rap has to be timed to the spawning of fish and address other environmental concerns. For that reason, the intent was to do the bridge work during the winter months. The cost is also lower. Baker estimated that it will take three to four months to complete the project. The painting firm's bid if the bridge remained open while the work is underway, was an additional \$100,000 and 10 additional days. She expected a Bailey bridge to be less costly and to go in quickly. She had, however, found that because Bailey bridges are used in emergency situations, they can be put in in two or three days' time.

Mark stated for clarification that UDOT is planning to bid the engineering and construction of the various phases out to multiple firms. The Mayor stated that the painting and construction companies will be selected and the cost negotiations will be done through UDOT with the town's participation. She stated that currently two companies are very interested. She identified them as Baker International and Jones & DeMille Engineering who has another company they could team with. The advantage to Jones & DeMille is that they have a local office. Baker is based in Salt Lake but is a much larger firm with a bigger resource pool for these types of projects.

The Mayor stated that they have to be careful to not give someone more of an opportunity to get the job that someone else. She was asked by Chris to send the Baker feasibility study and the engineering information. She had no problem doing that since the town paid for it. She did, however, wish the town could benefit from what they paid towards the required matching funds. The town was told by the Federal Highway Administration that they cannot use the expense of the feasibility study toward matching funds, which was unfortunate.

It was reported that if the town can stay under the \$125,000 threshold, they can choose the contractor and negotiate with them directly. Mark clarified that regardless; the town will consider multiple bidders. Financing issues were discussed.

Mayor Leach reported that the town received the first \$200,000 of the project funding last October. The second portion totaling \$2 million will be received October 2017 with the final \$300,000 coming in October of 2018. She explained that this will be a learning experience and something they will have to stay on top of.

The Mayor reported that when the painting company submitted their bid, they indicated that it was good for one year. The cost was reduced \$40,000 from the originally 2012 bid. She was also informed that the price could potentially go even lower if the work is done during their slow period. In response to a question raised, the Mayor stated that if all of the money is not spent it will go back to the government. If the final cost is under budget, the town will be refunded its 6.77% share of the savings.

Megan mentioned the loophole pertaining to the Buy America promotion. She explained that the town could buy outside of American producers if the cost of the product is 25% lower. The Mayor reported that she attended a meeting earlier in the year where they updated the rules pertaining to Buy America. They discussed it at the JHC meetings and have tightened it up some. Previously the nuts and bolts did not have to be American made but the steel did. That has since been changed and has to be American made. There was a still a provision that if American made materials were a certain percentage higher than non-American made, you could be approved to use non-American made materials. She stated that the town has to be very careful about those types of things.

Mayor Leach reported that once the Transportation Plan is approved by the Non-Urban Sub-Committee, they may want to have a work meeting and bring Chris Hall from UDOT and Greg Gifford, Bob Ford's friend who is an engineer, to get their questions answered and determine how to proceed.

- 2. **STAFF REPORT AS NEEDED** – There was no staff report.

ADJOURNMENT

Barry Sochat **MOVED** to adjourn. Terry Bell **SECONDED** the motion.

VOTE on motion:

- Terry Bell – Aye**
- Megan Honer-Orton – Aye**
- Mark Hartless – Aye**
- Barry Sochat – Aye**
- Mayor Pam Leach – Aye**

The motion passed unanimously.

The meeting adjourned at approximately 7:48 p.m.

Minutes prepared by:
Teri Forbes, Owner
T Forbes Group

APPROVED:



Mayor Pam Leach

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Vicki S. Bell at approximately 10:00 (A)M/(P)M on August 11, 2016 and on the Rockville Website.



