

Rockville Town Council
Public Hearing and Regular Meeting
June 12, 2019
Rockville Community Center, Town Hall

1. **CALL TO ORDER AND 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: Terry Bell, Barry Sochat, M. Honer-Orton, 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 AGENDA** – Jeff Ballard **MOVED** to approve the amended agenda for June 12, 2019. Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Jeff Ballard – 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 – **Joyce Hamilton** – Joyce reported that a large piece of rebar was left on her property from the bridge rehabilitation. It is located near the rose bush fence if anyone would like to come and get it.

DISCUSSION/INFORMATION/NON-ACTION ITEMS

1. **REPORT ON ROCKVILLE/SPRINGDALE FIRE PROTECTION DISTRICT – MERLIN SPENDLOVE, HVFSSD & DAN MCGUIRE** – **Mr. Spendlove** reported that there were only two EMS transport calls and no fires for Rockville in May. Springdale had five EMS transports, three refusals with three cancelled calls. There were seven fire calls in Springdale with most calls being fire alarms rather than fires and two fire calls were cancelled. Springdale had a total of 20 calls in May. There were four calls in Zion Park; two were transported, two were cancelled. In response to **M. Honer-Orton's** question, were the calls in Zion Park due to a shortage of Park personnel, **Mr. Spendlove** explained that the District helps the Park during the day depending on the location of their Rangers and EMS staff. It can be different things such as shortage of staff or the EMS staff is on a call and the District helps to back-fill their station. The stats show that visitation in May was up by 12 percent and the District will be expecting higher numbers in June and July. **Barry Sochat** asked about the current staffing remaining at two or has it been increased. **Mr. Spendlove** responded that it still staffed with only two, but as soon as they get a call another crew is coming up from Hurricane. As soon as the pager goes off, a crew is dispatched this way because of the travel time and the traffic in the summer.

Dan McGuire, Rockville representative to the Hurricane Valley Fire SSD, reported on information disseminated at the June 3rd Administrative Board meeting. This summer is expected to be a very dangerous fire season. Communities are being encouraged to educate their citizens about tall grasses, stored wood fuels and other combustibles. It is suggested this be accomplished by postings at the post office, newsletter articles and the Town's email distribution. Another problem, especially for Rockville, is camping. The question being, is Rockville taking any steps to mitigate dangerous areas within the community or the illegal camping up on the hillsides. **Mayor Leach** responded that Rockville does have signage currently in those areas where people tend to camp right in front of the signs. We have asked the police force to be vigilant about checking at night and asking people to leave if they are camping where signs are posted. **Mr. McGuire** reported that the entire County is encouraged to ban all fireworks for the complete season. All outside burning of vegetation is not allowed until Fall or when the burning season starts. The District has a chipper/shredder that can be made available to reduce piles of cut limbs. The District can be contacted, and they will come up and help with shredding the debris. **Mayor Leach** suggested that we post a "clean up" day and have all the debris brought to one location for the shredding. **Mr. Spendlove** explained that this is the busy season for the Wildland Division and the shredder would probably not be available until the Spring or the Fall. He agreed it would be best to bring the debris to one location and then the shredded material can be available for landscaping.

2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION – JOYCE HAMILTON, CHAIR** – Joyce reported that there were three items on last night's Planning Commission agenda:
 - a. **Jessika Jacobs** – Applied for a Home Occupation permit to create art and sell it from her home. It was determined that she does the bulk of her shopping for art supplies in St. George and she ships her art through the post office. There is no additional traffic to her home and her application was approved.
 - b. **Preliminary Subdivision for Tydon Oler and Jacob Andersen** - At a public hearing and regular meeting of the Rockville Planning Commission on June 11, 2019, the Commission voted unanimously to recommend approval of a preliminary subdivision plat for Mr. Tydon Oler and Mr. Jacob Andersen.

Several concerns were raised, but it was determined that those issues could be resolved at the time of the final plat application and were not necessary for approval of the preliminary plat. These items included: UDOT approval of the access location on SR-9 for the new driveway; converting the irrigation rights to culinary water

rights; location of all utilities necessary to service the four new lots; and the Rockville Pipeline Company approval of the fire hydrant, as well as the reason for running the proposed culinary water line across all of the lots.

Concerns were also raised about the building pads possibly being in the flood plain. The developer said he would like for the purchasers of the property to determine their home sites and so at the time of building permit requests, the building pad's elevation and necessary drainage would be engineered. The developer stated he was certain any drainage issues created by building those pads up could be contained within the individual parcels and would not negatively affect their neighbors.

After a lengthy discussion, the Planning Commission determined to recommend the preliminary plat of the "Oler Subdivision" for approval by the Town Council.

- c. **Vicki Parkinson** – The third item was a building permit for Vicki Parkinson. She wants to build a new home behind her existing home. There cannot be secondary structures in front of your primary residence and after discussion with the Planning Commission, it was decided that her address will be changed to Center Street thereby, having all the existing buildings behind the primary residence. Vicki agreed that she would disconnect the water from the existing home, and she agreed that no one would live in or reside in the old house. They will also be disconnecting the electricity once she receives the Certificate of Occupancy on the new house temporarily until it can be improved. The building permit was approved.

ACTION ITEMS

1. **DISCUSSION AND ACTION ON A PARTICIPATION COMMITMENT AND DELEGATION OF AUTHORITY INTERLOCAL AGREEMENT WITH HURRICANE VALLEY FIRE SSD – MERLIN SPENDLOVE** – Mr. Spendlove explained that when there are fires throughout the State the District responds and, if necessary, can bring in other entities to help. As a town, you can help to do things to mitigate fires to be used towards the participating match of \$5,201. **Mayor Leach** clarified that two years ago, the Town went through this and we approved and agreed to what our percentage would be. The Town did some knocking down of weeds and clearing stuff as our portion of the Wildland Fire mitigation. We were told that the agreement went away, and we just got a nasty note that we were in violation. **Mr. Spendlove** commented that the nasty notes were sent to everyone throughout the State. He reported that 2016 and 2017 have all been matched by the District. The mitigation work does not have to be done in the Town to make your match; it can be done anywhere in the District where the major concerns are found. The District did a burn along the Virgin a couple of weeks ago that helps with the match. By signing the agreement, it gives the District the authority to do the mitigation work to meet the match. The deadline for returning the agreement is July 1st. The agreement allows the District to call in extra resources such as Color Country in Cedar City and the Fire Warden and their crew when needed to help with fires. **Mayor Leach** asked if there was someone available to walk through the Town and point out any problem areas. **Mr. Spendlove** indicated that would be Chief Steve Harris. He goes through the District locating problem areas.

There was discussion regarding the wording of the agreement that Clerk Bell and M. Honer-Orton asked Mr. Spendlove. The questions asked by Clerk Bell were asked on behalf of Attorney Russ Gallian. It was decided that Clerk Bell will follow up with Chief Kuhlman at Hurricane Fire District for better clarification of the agreement. In conclusion **Mr. Spendlove** stated what this agreement is doing, once you sign it, we're going to have an agreement with the District, with the State, BLM, whatever properties are involved in that fire will come together and help work together to put that fire out. And not cost the town a bunch of money.

Jeff Ballard **MOVED** to table the approval of the *Participation Commitment and Delegation of Authority Interlocal Agreement* with Hurricane Valley Fire SSD until the Town's concerns with the agreement can be resolved. Terry Bell **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Jeff Ballard – Aye
Mayor Pam Leach – Aye

The motion passed unanimously.

2. **OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON POSSIBLE BUS STOPS TO BE LOCATED IN ROCKVILLE IN CONJUNCTION WITH THE ST. GEORGE TO ZION TRANSIT SYSTEM** – Barry Sochat **MOVED** to open the public hearing. Jeff Ballard **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Jeff Ballard – Aye

Mayor Pam Leach – Aye

The motion passed unanimously.

Linda Brinkley – First, I want to thank all of you for your service. Believe me, I know how hard you work. Secondly, don't be overwhelmed with all this single-lined print that I typed because, I guarantee you, I will get to the point and I can be extremely loud and very fast. I live on 33 N Center. I moved here in June of '86. I bought my home in December of that year as it was the only house that was for sale at the time. At that time Center was a narrow tree-lined dirt road and the present community center was privately owned. I loved this pastoral life immediately and like many others decided to stay. For me, living here was an adjustment to this life including all the animal sounds around me. When my Dad, who had emphysema visited, we put in pieces of web fencing to keep the dust from passing cars away from my house. When the garbage dumpsters arrived, people started coming quarterly and parked across the street from my driveway, I felt I was lucky to be so close. Doing a bit of spying at the time for the Town, watching for Springdale folks who might be dumping tires at that time. The two new tires I purchased after metal debris damaged mine on the way home was fine for the benefit of these dumpsters. When the road was widened to almost the width of Hwy 9, causing people to speed, I was glad I didn't have a toddler. When the binnies were installed outside the fence-line of my former back field, by the way, without the Town telling me the location as a courtesy, I tried to feel lucky about their proximity, even though my view out of my kitchen, dining room and living room is in their line of sight. A few years ago, I was asked to sign a letter of complaint about my neighbors' dogs barking. I explained that the biggest difference is the barking had occurred, not when the events happened at the new community center with the influx of people and cars or the new location of the post office, but the constant traffic of people, cars, and pets off leash using the recycling binnies. I have almost never complained to the Town in 33 years. I dealt with my neighbors directly when goats came into my yard and ate plants and rose bushes. One goat even danced on my brand-new car in 2010 on the trunk. I installed a sliding fence across my driveway just in case. I adjusted my light over the driveway when my next-door neighbor said it lit up his field. I believe in the way our town is organized. I believe in the general plan, our ordinances and land use codes. And I believe in the town survey which keeps us up to date on the visions and desires of our community. Most of all I believe in Public Hearings giving our community members a chance to say how they feel. If my name came up concerning a shuttle, it was my opinion that it would not be good for Rockville. A possible parking lot of tourists at the West end of town would bring an influx of people and cars into our town. For a transit bus coming up from St. George, I would have to ask: Who would benefit from this? If it is for our Rockville citizens, I would have to say I don't agree. I would say only a few percent (3 or 4) may need to get to St. George or Springdale without a car. Our community is great about helping each other – elderly or people ill at home who need groceries or trips to the doctor. This kind of help for our friends and neighbors has made us stronger as a community. Many people in this category would have trouble walking to a bus stop. And I fear people who want to come up to see Zion and not want to ride the bus up from St. George or Hurricane could see their way to driving up to Rockville to park somewhere here in town (anywhere actually) and take the bus into Springdale where parking is now tedious. Frankly, I see the day when people may try to park here and walk up to the end of the shuttle near the Majestic View. Ask yourselves, would you want a bus stop in front of your home? Please vote no on this issue.

Joan Farnsworth – In the middle of working. It depends if nothing is spoken here, there's got to be public transportation is different from tourism. Like those Jeeps that come by like zoo animals. It's public transportation to bring the employees to work at 5 a.m. so that they can clean rooms instead of driving up every day. There's a big difference. It needs to be clarified. Thank you. I must go back to work.

M. Honer-Orton – May I explain something because when I got the bus stop terminology, I immediately thought "park and ride." That is not what we are talking about. We're talking about bus stops here in Rockville and would that benefit the community or not. But we are not talking about a park and ride.

Mayor Leach – And just so you know, the transit system is still under discussion and as part of that discussion is where bus stops might be along the route and who it would benefit. We still have the opportunity to decide if we want a bus stop here or don't want one. And if we do, where would be a good location that would make it available for the residents of Rockville. We are not talking a park and ride like the County had spoken of on the SITLA land. That is not where we are going with this.

Cheryl McGovern – I feel for you (Linda) and I feel for you, Joan. Public transportation, as Joan addressed, is a forward-thinking approach for many towns and communities for many years, so this is one of those deals where we hate change. We are way behind in transportation in this region for people who can't drive and what have you. I am going to keep it short. I think that public transportation is very important. I think we might be cutting people a little short thinking that people won't use it if it's available. I personally would gladly use it to go into Springdale instead of driving because of the parking and what have you. It's the 21st century and every little thing we can do to help with emissions and controlling our own little tiny part of the world when it comes to carbon emission and what have you. I think we need to be a little bit forward on that. And my thought about where to put a bus stop which is probably, if we even did it, is going to be the biggest concern for everybody. So, quite frankly, I think the center of town, right out here, is where it should be because everybody could walk to this location from both ends of town and not have to drive to the bus stop. That's it, that's what I've got to say.

Dan McGuire – My concern about a bus stop would be the traffic. We have a 45 mile per hour zone but there are no cutouts for buses, like most communities, to get off the highway. And UDOT may have a concern about that as well, stopping a bus anywhere along the highway. That would be a safety concern, that I think would be important to

consider. Whether you decide to have one at either end of town or in the middle of town, it could be a safety element. That's my input.

Terry Bell – The cutouts would have to be made Dan.

Mayor Leach – They cannot stop in the lane of traffic. If there is a bus stop, it will require a pullout.

Dan McGuire – That's another problem, if you're talking about the north side or the south side you've got the historic ditches and the drainage ditch. That's an issue, as you know.

Cheryl McGovern – One of the thoughts with the ditches and what have you – I mean, it's not ideal, but you could pull into this driveway and then the bus stop could be behind the building.

Mayor Leach – And unfortunately, that's not the case. The types of buses they're looking at are too large. They can't make the turn. They've already looked at that. We hoped that might be something they could do. And they won't be able to.

M. Honer-Orton – And coming up, they said they will not make three left turns. This would seem to be the ideal place, so I mentioned it to them in one of the early meetings, and they said nope, can't do it.

Lizette Byer – Hi, my name is Lizette Byer and I just want to echo everything that Cheryl said. I think that giving an option for public transportation is going to be a bigger benefit than any of the non-benefits of having public transportation. I think that it can reduce traffic going down the road from St. George and elsewhere. We can encourage independence for folks who don't drive. I, myself, would prefer not getting into my car as much as possible, but riding my bike in 95-degree weather just doesn't cut it for me. I'm a little dismayed that the decision for very large buses has already been made, because I was thinking a very different sized public transit vehicles and is there a mix of big buses, small buses

Mayor Leach – Just so you know, the absolute decision on what buses they will use has not been finalized, but what they're looking at are buses larger than the ones they're using in Springdale and the Park. It kind of depends on the ridership that they get, or they suspect they will get. There is still a lot that's up in the air with the transit. It's going to be a very positive thing, I think.

Lizette Byer – I think there is a lot of unknowns, how often, where the bus stop is going to be, is it just one bus stop, how frequently is it going to run every day just during commute hours or throughout the day, and it may be that I, down the road, don't like what decisions are made, but in principle, I think it's absolutely worth giving it a try.

Joan Farnsworth – I agree with Lizette, it depends on the ridership, if they can say, you know, this isn't a tourist bus for one thing, for employees and things that need to get around, and go get some groceries or whatever, it's different, it's not like it's going to detract or lessen the traffic, if it's used correctly.

Linda Brinkley – I would just like to say one thing. I wasn't going to speak again. But after listening – Linda Brinkley and I'll just sit here and be loud. I agree with what Cheryl was saying about carbon and all that, okay, I'm just saying I've lived here. I don't want it by my house. I've already taken hits galore on my lifestyle and I've stuck in with it for 33 years and that's why I want everybody who says they're for this to be thinking the logistics: how many times a day, where is it going to pull over, and how do you know they aren't going to use it just to tour in Zion? I've always supported public transportation, so let me just say that. It's just that I don't want it by my house. Okay, that's it.

M. Honer-Orton – Not in my backyard.

Terry Bell – It would more or less have to be on the road because they are not going to make a left turn to come over onto this side of the road from the other side, so it will need to be just pull in and pull out, that's all they're going to do. And so that is how it will look.

Linda Brinkley – Will they have one going east, and one west?

Terry Bell – Yes, it will be on each side of the street.

Linda Brinkley – Two stops?

Terry Bell – Right.

Mayor Leach – And if you have, well yes, there will be one stop on each side, going east, going west. So the one thing to keep in mind with that is finding a location where we can have one going east and one going west near each other, because if people maybe drive their car that far, if they need to, or a bike and leave it attached to a bike rack. When they come back, they don't want to catch the bus down here and be dropped off down there. So, finding a place that's nearby, it doesn't have to be directly.

Linda Brinkley – The issue is how they're going to get to the bus stop, that's another issue.

Barry Sochat – Right, you want a bus stop you don't drive to.

Dan McGuire – The issue of stops would be a factor of how often they're going to run this thing up here. If it's once a day, that's not as big an issue as if it's 10 times a day. So that's something that needs to be factored in: how often would they be stopping?

Mayor Leach – Thanks Dan. So right now, they're just, for information's sake, they are talking about some express buses that will maybe only have two or three stops between St. George and Springdale. Those might be in Hurricane. Where along the way they have not decided yet? So those would be fewer. But then in between those would be the regular buses and again, trying to determine how many buses they need because how much ridership will determine how often those buses are coming through. They've talked anywhere from once an hour to once every two hours. There's still so much discussion. So, Linda, in that respect, if it's once an hour, that's more impactful.

Cheryl McGovern – I just wanted to respond to that. So, the buses will come through here regardless, whether we have a stop or not, so I'm not sure why it would be an issue if they're stopping. I mean, they're coming through anyway.

M. Honer-Orton – Whose house are they going to stop in front of? Who is going to take the cut?

Cheryl McGovern – Well, you have to figure that out, I guess, right? It doesn't necessarily – I mean, if it's going to be at one end of town or the other end of town, there are, if that's the best case scenario, then there are places where it could happen where it isn't really going to interrupt anything.

Mayor Leach – Less impactful.

M. Honer-Orton – And also less convenient.

Cheryl McGovern – Less convenient, right. But if we want to be proactive, then we can think about purchasing bike racks, the locking ones, the new modern ones that someone can't just come and snip your

Tydon Oler – I think you spoke with, possibly some members of the community, had spoken with the previous landowners that we're now subdividing about a possible location for a bus stop. I can't commit to that right now without having talked to my partner in this property, but it's something we would possibly entertain, is a stop on that property, and have on the remaining parcel the availability of frontage road and land to do it. Across the street is the Ballard property. It seems as though that would be a good location, but that would be up to them of course. But it's worth exploring, I guess I should say.

Mayor Leach – Thank you. Thank you for letting us know you'd be at least interested in discussion. Thank you.

Kristen Evenson – I live on the east side of town and we have our own problems over there, but I just wanted to bring up a concern we may have. We're – Michael and I are both supportive of public transportation. However, our concern would be that once word gets out that there's a stop in Rockville, that people will – by social media or just word of mouth – people will park in Rockville so that they don't have to pay parking in Springdale. Anyway, that would be our biggest concern. And how do we monitor that? Thank you.

Mayor Leach – Thank you Kristen. Anyone else? Going once. Going twice. Alright, I'd entertain a motion.

3. **ADJOURN PUBLIC HEARING** – Terry Bell **MOVED** to go out of public hearing. Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye

Barry Sochat – Aye

M. Honer-Orton – Aye

Mayor Pam Leach – Aye

Jeff Ballard – Aye

The motion passed unanimously.

4. **DISCUSSION AND ACTION ON POSSIBLE BUS STOPS TO BE LOCATED IN ROCKVILLE IN CONJUNCTION WITH THE ST. GEORGE TO ZION TRANSIT SYSTEM** – Mayor Leach summarized that if we decide to put a bus stop, where is it most convenient and less impactful. That's been a topic of discussion without a lot of success so far. Barry asked about the adjacent community of Virgin. Mayor Leach said they would be asked if they desire a bus stop. So far, in St. George, it would be the SunTrans buses connecting to the route. It would come from St. George, likely through Washington City, though they are currently talking about having their own transit system, but they would still be wanting to link up. Hurricane definitely wants it, and they're talking about a sub-route that would bring people to the stops. LaVerkin wants a stop. Virgin and Rockville will be considered for a stop. Is there a taxing issue to subsidize and pay for these buses? The County is looking at their meeting next week, looking at possibly approving a quarter of a percent transit tax. Each community would get .1% of that .25%. Yes, we would be paying into it whether we have a stop or not. The bus stops would be included in the budget of the initial \$15 million recreational hot spot funding. The next meeting is June 25th. It is open to the public and it will be an informational meeting and then they will start making decisions about stops. They have determined that the Council of Governments, which is composed of mayors from across the county, would be the one overseeing this. It will not be governed by the County Commissioners. Even if we don't participate, we would still have a vote. SunTrans has indicated they are not interested in operating this system. They've looked at electric, propane, hybrid, and diesel buses, studying the pros and cons of each one. Mayor Leach said if we do not put in a bus stop now and decide later, we want one, then we will be responsible for putting in the bus stop. The pull-off needs to be 20' deep and 50' long. They can fit in within the existing UDOT right of way, which is 70' wide in town and 100' or 120' wide outside of the town core. If the bus stop is outside of the town core, you'd need parking and then there's the concern about tourists using the parking. Cheryl McGovern said the locals could have permits. Anyone

found parking there without a permit could be towed. That can be resolved. M. Honer-Orton says there's already people coming up in multiple cars, they park all but one in Rockville, pile into the one and head up to Springdale. Terry Bell said you cannot keep people from parking on the public highway. Terry believes we need to talk to the historical society about the ditches before we can make a decision. There is a lot to be considered if the bus stops over the irrigation ditches. The cover would need to be removable so you can clean the ditch. M. Honer-Orton suggested a metal grate and Jeff agreed that could work. Barry would like to have locations selected before making a final decision. Mayor Leach said we may need to put the proposed locations on a map, have another public hearing and gain input from the community again.

Jeff Ballard **MOVED** to table this issue until the Council obtains additional information. Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

5. **DISCUSSION AND ACTION ON A RESOLUTION NO. 19-0612-01 TO APPROVE THE 2019 CERTIFIED TAX RATE FOR THE TOWN OF ROCKVILLE** – The Town of Rockville has received the Certified Tax Rate from Washington County. Therefore, be it resolved by the Rockville Town Council that the certified tax rate for the Town of Rockville for the tax year 2019 will be .002091, which will generate a projected property tax revenue of \$79,480. Clerk Bell said it is just a little higher than last year.

M. Honer-Orton **MOVED** to approve the resolution. Jeff Ballard **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

6. **OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON THE FINAL 2019-20 FISCAL BUDGET FOR THE TOWN OF ROCKVILLE** – Terry Bell **MOVED** to go into public hearing. M. Honer-Orton **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

Mayor Leach asked Clerk Bell to report on the changes before the Town Council. Clerk Bell stated that the final budget is relatively the same as the tentative budget passed last month. The only changes were moving the budgets for the repair of the sidewalks and the relocation of the water line from the current fiscal year to the new fiscal year. It was hoped that these projects would be completed this year; but they are not going to happen. And the property tax projection was changed since we now have the information from Washington County. M. Honer-Orton asked for clarification of the Enterprise Fund. Clerk Bell explained that she attended a ULCT training where it was recommended that municipalities use separate Enterprise Funds for their utilities. This makes it very clear that the utility is self-funding and not being paid with taxpayer dollars.

Dan McGuire asked what the bottom line was to operate the Town of Rockville. Was there a change from last year or is it pretty close? Clerk Bell stated that is a little higher than last year's due to the adjustments mentioned earlier. The budget is currently \$521,536. Dan stated that is pretty good. Seems like it wasn't too many years ago the budget was less than \$200,000 to run the city. Thanks for your work. Appreciate it.

Mayor Leach asked for other comments; hearing none she asked for a motion to close the public hearing.

7. **ADJOURN PUBLIC HEARING** – Jeff Ballard **MOVED** to close the public hearing. Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

8. **DISCUSSION AND ACTION ON A RESOLUTION TO ADOPT THE FINAL ANNUAL BUDGET OF REVENUES AND EXPENDITURES FOR THE VARIOUS FUNDS OF THE TOWN OF ROCKVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2020 – RESOLUTION NO. 19-0612-02** – Barry Sochat **MOVED** to adopt Resolution 19-0612-02 for the Final Annual Budget of Revenues and Expenditures for the Fiscal Year Ending June 30, 2020. M. Honer-Orton **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

9. **DISCUSSION AND ACTION ON AN APPLICATION FOR A SUBDIVISION – PRELIMINARY PLAT SUBMITTED BY TYDON OLER AND JACOB ANDERSEN FOR A MAJOR SUBDIVISION OF APPROXIMATELY 11.44 ACRES AT 490 EAST MAIN STREET (SR-9) INTO FOUR (4) PARCELS –**

Shirley Ballard – My question is you keep saying four (4) parcels. I don't see how you can call it four (4) parcels; it's still five (5) parcels. He's dividing it into five separate lots. Four of them on the north side of the Virgin River and one on the south side of the Virgin River. It's a continuous piece of property that he is dividing into five (5) pieces no matter how you look at it. I don't care if he calls it a remnant or what he calls it; it is five (5) pieces.

Mayor Leach – First off it is actually six (6) and two pieces are retaining the original parcel numbers. R-162 is on the south side and R-158 is the larger piece where the pond is.

Shirley Ballard - The subdivision is creating four (4) new parcels. R-162 is but R-158 remains at 3.74 acres. And each of the other four (4), the long narrow ones, are two plus acres and then the fifth one is 2 point something. So, they are all 2 point something acres. Plus.

Mayor Leach – In a one-acre zoning area.

Shirley Ballard – But there is still five (5) parcels. There's not just four; there's five.

Mayor Leach – There's six.

Shirley Ballard – They're not subdividing the R-158.

Mayor Leach – So I guess the question is does the County allow you to assign an existing parcel number to a portion of the...and I guess they must because they are letting you do it on the top one.

Tydon Oler – Yeah, they did that same thing with my parcels across the river when we did a lot line adjustment there; when we did a parcel boundary adjustment. It's the same parcel numbers from when we did that before. Sometimes they may add an "a" or a "b", something like that to it, but it remains the same parcel effectively. The ability to do that and the reasoning for that comes from your own Code. I didn't call it a remnant parcel. That's what the Rockville Subdivision Code said to call it.

Mayor Leach – I have a correction for that, our Code does not call that a remnant parcel. Because what our Code actually says is that "Parts of parcels – All remnants for parcels below minimum size"; so, it would have to have been less than an acre to be concerned a remnant. It's more, so it's not a remnant parcel. But it isn't a remnant; it's a parcel. So, you cannot call it a remnant because it is not less than what the zoning allows.

Tydon Oler – But the reverse is true as well on that zoning, it allows me to leave part of the parcel as long as it meets the minimum zoning requirements untouched from actually subdividing. It's a left-over parcel then. Can I call it that?

Mayor Leach – It's part of the original parcel and...

Tydon Oler – It's a left-over part of the original parcel.

Barry Sochat – So this is verbiage?

Tydon Oler – What?

Barry Sochat – This is just a change in the language as far as the parcel is.

Mayor Leach – Yeah, there was concern about it being called a remnant parcel and according to our Land Use Code, it says below minimum size be called a remnant. It's part of the existing parcel being adjusted. Because you are already doing that; the other one is being reduced also, correct?

Tydon Oler – Yes. Well, no it's not. That parcel is actually increasing, I think. The original lot size on that was...

Mayor Leach – But it is taking over part of the land that was on the other parcel then?

Tydon Oler – Yeah, so and again that has to do with the State of Utah and that is the reason why I first called it a lot line adjustment and that is incorrect as well. So, we adjusted that to a "parcel boundary adjustment". A lot line adjustment is a previously subdivided parcel that you are now lot lining within the subdivision. These two parcels are "meets and bounds" parcels; they have never been part of a subdivision so, therefore, it's a parcel boundary adjustment. And a parcel boundary adjustment is basically the same rules apply when I read those. So technically it is a parcel boundary adjustment.

Mayor Leach – Who calls it a parcel boundary?

Tydon Oler – The State has. I provided a copy of that State Code for you with this. As long as the same property owner owns both parcels; in a nutshell, again it's in the information. The actual legislation is in the information I provided there that as long as the same owner owns parcels, he can redraw those boundaries. As long as he is not creating an additional buildable parcel when he does so. So that is why we have redrawn the boundary proposing redrawing the boundary as the parcel boundary map is.

Mayor Leach – If anyone needs to get up and take a look at the map over there, please do so.

Tydon Oler – We would do this first. We wanted to make sure that the Town was apprised of what we were doing, and it would also make sense for these lots. It doesn't make sense for us to draw the boundary this way if these lots are not going to get approved. And so, first we would do this parcel boundary adjustment which would create both of those lots into this. And these will be the legal descriptions for R-158 will become this; and then R-162 will become all the rest. We chose that location, quite frankly, we chose the location for the roadway because of the sewer line. When we decided we looked at a lot of different options on this property. I was approached by the previous landowners because they had other investment opportunities, and these became available. It was a quick and furious decision on their part, and it was a fast decision on our part and then afterwards, we looked at a lot of different options with the property. My property is the only property on the other side of the river that is zoned RS-20 that is below the cliff line. I'm adjacent to two-acre lots and adjacent to one-acre lots. So we looked at a possible rezone of my parcel to match the one-acre that is adjacent on the north side of the river to one-acre to match that and then doing with some bonus densities and things like that up to 30 different lots on this piece of property with a foot bridge across the river and a park on our side that would be a common space open area for the subdivision. Honestly, that looks really good in my opinion. It would be a fantastic little subdivision and it pencils really well. And the park on the other side could be an amazing asset to that subdivision. But we felt that, you know, let's look at all the options. This property, if we were going to do it a different way, if we were going to do it less impactful, if we were going to do, I wouldn't say impactful because I think that has a lot of advantages too. But if we were going to do it a way that would put less lots in this location, we thought we have got to save costs. And so, following that existing easement that is already there, the power that is already there, all of those things is the reason the location ended up being. And we are calling them estate lots because they are bigger lots and we are hoping we can compensate a little bit in that regard as well as far as what they would command over a cluster of lots that would be with density and things like that. It could end up being, you know, .4, .3-acre lots something like that.

Barry Sochat – This is going to be for potentially five houses if you take the one over the river eventually.

Tydon Oler – We have no plans at this point to sell the one on the other side of the river. So, I have a partner in this, and I cannot speak for him. Prior to going into this partnership, I voiced a strong opinion that I retain that parcel. So, if we are able to sell the lots and everything goes as planned on the north side of the river, I will be retaining that parcel.

Barry Sochat – And doing what?

Tydon Oler – You know it's a future location for us. You know, forever is a long time so I would not say that I wouldn't not ever propose something on it. And I would not say, I would not commit to what that proposal might be, but in my mind right now, it's a gorgeous little area right next to my piece of property. I was concerned with the prior owners, the first time I met with them, the prior owners, I told them look we have a little bit of a conflict here because I don't want anything, I'll be concerned with any plans you have for the south side of the river though I'm not going to oppose what you might propose for the south side of the river but I'll have some concerns for that. When they proposed the plan that they were going to run a walkway along the river, my agreement with them was you could have my north side of the property or of the river, but that is only if I get your south side of the river. There were some agreements I was trying make. So, the answer to that question is that I have no future plans for that property but forever is a long time and whether something might change I don't know.

Mayor Leach – And the thing to keep in mind is whoever comes, if you sell it, they have to come before the Town and, if they want to build a home there they have to go through the building application process and at that time any issues with that piece being flood plain and sensitive and all that.

Tydon Oler – I spoke my engineer at Detail about that piece of property and there is a location, another pullback on that, from the cliff lines there. There are also the setbacks. But again, I will first of all and the reason why somebody, if you don't have any plans, why would you talk to your engineer. My reason is because if there is no chance that it ever could be a buildable lot there is no reason to propose it as such. I would just say well let's draw these lines, well the homes wouldn't have been any deeper, let's just drawn it a different way. But there is we feel a buildable area there. But we don't have any plans for that in the future at this point. And according to the Fire Marshal, this side of the river he wouldn't consider -what 's the word, what is the name of that – urban wildland interface. He said, nope, I want a road that meets 20-feet wide and meets the international fire code and you need a bump-out. Talking on this side of the river. And I need a bump-out of 20 feet, I forget how much it was. That's what the road ended up being. I need a bump-out where the fire hydrant is. And I said, rather than put that bump-out there, right in the middle of everything, what is it not to have that bump-out and he said to have a 26-foot-wide road. And so that is why we did the roadway as a 26-foot wide road. And I said well urban wildland interface allows me to do a private drive up to five (5) homes and twelve-feet wide. And he says, well I'm not going to consider this side of the river to be urban wildland. The other side of the river, I will agree with you, I would consider that urban wildland interface and we can consider that a private drive with access. No more, I believe, in the urban wildland interface code, up to five homes on a private drive, I think.

Mayor Leach – Have you made application, actually, to the Rockville Pipeline Company for the hydrant?

Tydon Oler – Nope, I just sent in that paperwork to you. Unfortunately, in the past, the response with Rockville Pipeline Company has been non-existent. So I sent in the same request for a fire hydrant on my last property and it was well, I'd have to look at it, but it was well over six months before I even got a response and then I was told someone would come out and bid that. And it's been five years and I haven't since reminded.

Mayor Leach – But you haven't applied to them for that.

Tydon Oler – No, I have sent in that, that application, my understanding was, the notice was from the Town, I thought it was a Town notice, so I provided it, but I can send it to the Pipeline Company.

Mayor Leach – No. This is not something that we would handle. Why would you not hook your hydrant up to the well. It sounds like once your well is in, you would have plenty of water to provide all the water that is needed over there.

Tydon Oler – It is not what the Fire Marshal requested for one. The Fire Marshal wants it on the, if it's available, on the city-wide system.

Mayor Leach – Even knowing that the city-wide system doesn't have the pressure.

Tydon Oler – It's going to end up being a combination, right. Chances are, honestly, that fire hydrant probably won't ever be needed, hopefully. If there's a fire, I would imagine that whoever had built on these homes is actually going to have a home system as well. And that's going to knock down 90% of, hopefully, they're really good at what they do but they don't get everything. And, of course, Mr. Ballard could speak to that more than I could. But in talking with the Fire Marshal he did say, I made him aware that the Town's I don't think they have...and he already knew, at the same time he was making me aware. He said he would be fine with that but there is a good chance, depending on the size of the home he's going to request that they put in a self-contained fire suppression system.

M. Honer-Orton – Well, we have made recommendations to people who do not have sufficient water flow. That they put in sprinkler systems in their homes that goes with their building permit.

Tydon Oler – So like on the other side of the town, when I had the home I was going to build on the other side of the town on those two lots, there was insufficient pressure there because the line splits actually and the service is already a smaller line than it should be. But then it splits and services both sides of the road. And it's only a 4-inch line where the State's standard is an 8, I think. But there the Fire Marshal did come back and, of course, we're dealing with a different Fire Marshall at this time, but the Fire Marshal did come back. The Fire Marshal can make exceptions. And he did make an exception at that point because it was under 4,000 sq. ft., I believe, and because the fire hydrant was so close. So, there are exceptions that people can ask for, there is State Code that applies to that. However, we're going to strongly suggest that people put those self-contained units in. They are really slick.

Mayor Leach – And those will be decisions for when somebody submits for a building permit.

Tydon Oler – So in answer to your question, to provide also the – it's just what the Fire Marshal actually would like to see. If we can put a fire hydrant on the property that's attached to a municipal system that's what he is going to want.

Mayor Leach – It is not a municipal system; it's a private system but...

Tydon Oler – Which we are shareholders in, and it will be on our property. The question the Planning Commission Chair had about the water line, to be honest with you, it just that engineers naturally draw a water line across all the properties. And so that is what he did, it was not out of a request on our part.

M. Honer-Orton – So there is no water line?

Tydon Oler – No, there is. He's got it on there.

Mayor Leach – It's on there, but it's the same line that's going to the hydrant.

Tydon Oler – It's the same line that's going to the hydrant. In an engineer's mind you go from the beginning of the lot of the subdivision to the end of the subdivision and honestly that is why he did it. It's not out of the realm that something may change in the future with the pipeline company, through grants or whatever. Thirty or forty years down the road, whatever, there's more water availability and then those people that build there might have the opportunity, maybe at some time to buy a share. We have possibly one surplus share with all of this going through and then we would maybe even sell that to one of the homeowners there if they would rather say "we don't want to be connected to your well, we want the city system." There was no...

M. Honer-Orton – The water line ends at the hydrant and doesn't go across the four properties.

Tydon Oler – It continues to go, he has it scheduled on that to go across the four properties.

M. Honer-Orton – Where is it really? Where does it exist?

Tydon Oler – There isn't one. It exists in the highway right now. Along the highway.

M. Honer-Orton – Do we have any protection for the Town against people who buy these four lots and again subdividing them?

Mayor Leach – No, because they're...

Tydon Oler – There is a one-acre zone.

Mayor Leach – There is a one-acre zone and they are all over two acres. The one thing though I don't think they can split them long-ways because they wouldn't have the width needed for building, but...

Tydon Oler – They would, technically, according to your Town codes, as they are right now, I think they would be wide enough. There is a 20-foot, I think, it would be a flag lot, and somebody could technically dedicate a 20-foot easement down the side of my property and I'm going to let somebody build back there. But logically, I don't think it works for a number of reasons and the reason why is 1) you have to have a 100-foot setback from the river. And then if someone wants any type of a setback from the front of their property, you end up building two homes on a very nice river-piece of property where by one person controls all of the river frontage and the other person and they end up having to be right next to each other.

M. Honer-Orton – Controls all the road access.

Tydon Oler – And then logistically from the Fire Marshal's standpoint. I would not advertise that anybody in the sale of these lots could do that even though technically trying so would be my answer to that if they asked me would be, I don't think the Fire Marshal would approve it because it's a private roadway. And if you get more than the four or five homes, he's going to want dedicated access and I'm not prepared to dedicate it at this time. And I don't think whoever buys it, buys on a private road, they're going to want it dedicated either.

Mayor Leach – And you have in there that the property owners will be responsible for maintaining that road?

Tydon Oler – That's what we're proposing, yes. They're going to be responsible for maintaining the road as it travels through their property. The reason why we did a hammerhead turn around there instead of a cul-de-sac is so we could get the Town's setbacks correctly with the existing structure that's there. Our cul-de-sac brought it too close to that existing structure.

Barry Sochat – Has UDOT signed off on the location of the street?

Tydon Oler – I called UDOT today and I need to submit the application with them, but given the amount of frontage that piece of property has on SR 9 and the fact that there are two farm access gates on it right now, he didn't see a problem with that access going through pretty quickly.

M. Honer-Orton – And because there are people here tonight who weren't here last night, you have proof that you have enough water for four residences?

Tydon Oler – Yes. We have enough water for 120 residences.

Mayor Leach – Right now your water is only irrigation water rights, not culinary, correct?

Tydon Oler – It is. Yes.

Mayor Leach – So I have a question because it came up last night about why you're not developing that well now because you could put it to beneficial use for irrigation. And at least then you would know what kind of water that will produce for your future providing for those four lots. Is there a reason why you are not moving ahead with putting the well in?

Tydon Oler – Honestly, cost, of course. And it would change the way we drill the well. If we're going to be building a subdivision in there, whether it be, the difference between 20 homes or 18 homes, which is with bonus density, just dealing with this property or attaching it – the difference in the well is substantial.

Mayor Leach – But you're proposing four new parcels.

Tydon Oler – We're proposing four new parcels, but if it went above 8, then all of a sudden, above 8 we need to do a public well system. And the public well system, we went through that process on another piece of property. We can do that, but it's substantial in its costs and in how you need to drill that well. And then of course, the different monitoring and regulation of it. So, in answer to your question, cost is one thing, and then if this works, which we hope it does, then we can get these lots sold, then a well that can service four homes is a completely different well than a well to service 10 homes or more. And that's the reason as well.

Mayor Leach – Currently your water rights are for irrigation.

Tydon Oler – Yes.

Mayor Leach – And I know that the question came up, and I did direct a question to Dan about this, that you don't have your wells in yet. The engineer did say that's what has been done and it said "to accommodate the approval of this permanent change application, the use of 59.0072 acre feet of water to be used for the irrigation of 11.8015 acres from January 1 to December 31 at the historical point of diversion and place of use must cease".

Tydon Oler – Once we put it to beneficial use there, yes.

Mayor Leach – Okay. So, you stated you have the right to use the water out of the ditch.

Tydon Oler – So that's my understanding. I'm dealing with a water rights transfer on another project right now and I specifically asked the engineer.

Mayor Leach – If you don't mind, I asked Dan if he could address that issue. Because I know it states in here that there are certain conditions in a letter between the parties that's not specified.

Dan McGuire – Yes, this is the application for the change of place of use, which was submitted by Rockcom and ultimately approved by the State Engineer and the Rockville Ditch Company with conditions. And those conditions are noted in the approval. Let me just quote this "It is noted that under the statutory requirements for such and such the water company has responded to the proposed change application in writing and consenting to the proposed change subject to certain conditions that's described in a letter dated June 26th addressed to Mr. Jonathon Shotts, representing the applicants. So that was submitted and that's part of that approval application and so the conditions that are referred to, item number 9, Rockcom agrees that the company, the Rockville Ditch Company, may install a lock on the valve that is currently used to deliver water to the Rockcom property and that if Rockcom seeks to divert water from the existing valve, it will coordinate with the Company, seeking its permission to do that. Rockcom may only do so if it will not harm other shareholders (inaudible). So as long as you're not using a well yet, you could ask for permission from the town and I would suggest you do that in writing. Not the town, but the Rockville Ditch Company. To be able to use the existing valve, which they call it the historic valve, up on Main Street. Do you know which one I'm referring to?"

Tydon Oler – Yes, I do.

Dan McGuire – To fill the pond.

Mayor Leach – And I

Tydon Oler – No, I just knew, okay that valve, I just found where it's at last night.

Shirley Ballard – I told you wrong.

Tydon Oler – Oh, did you?

Jeff Ballard – It's just west of the gate.

Tydon Oler – I'll be in trouble if I don't fill the pond soon. So, I've got to get that filled.

Dan McGuire – But you can't use that. You can't use that without permission from the Ditch Company.

Tydon Oler – And I understand how according to state code, a water is at its place of origin until beneficial use is changed and that's state law. An agreement would not be able to go against state law. However, I'm saying we want to work with the Ditch Company.

Dan McGuire – You need to put that in writing because I talked to the southwest district people today and this is what Mike said, if it's not switched over, meaning that you haven't drilled your wells, you may use the historic location if approved by the Rockville Ditch Company as agreed to in the conditions of the application process. So, you're bound to that. You can't tell me there's another code that says you can do what you want.

Tydon Oler – I'm just going off what the state has told me.

Dan McGuire – I'm telling you what they say here, the people who run the water companies. You're bound by the Rockville Ditch Company conditions as agreed to by both parties.

Tydon Oler – And I'm not – All I – Again, I will work with the Ditch Company. We don't have any problems with the Ditch Company. However, I will state what the State Engineer, it's the Regional State Engineer, has informed me, is that we are free to use the water in its current location until it's been put to beneficial use. And I'll try to get a copy of that.

Rockville Ditch Company is not free to use that water either now. And so, it was agreed, the state's recommendation is that they would meter that loss. So, if we started using it

Dan McGuire – No, you got that wrong. You got to meter the wells you put in.

Tydon Oler – We do have to meter the wells that we put in. But you need to show as well that the water is no longer being diverted in its quantity at your location.

Dan McGuire – We don't have any requirement on that. There's no documentation that says we have to do that. We do measure the water up at the head gate and that data is turned in to the appropriate agencies. But they've never said you need to break it out right at that point where there might be a potential change. If you could show me some documentation, that's fine.

Tydon Oler – That's my understanding.

Dan McGuire – Well, it may be your understanding, but it may not be right.

Mayor Leach – So I would just encourage you to work together.

Tydon Oler – Regardless, if we pump 59-acre feet out of the wells, or if we take it – the net value is the same, so I don't know what the issue is.

Dan McGuire – That's not the point. You made application to change the place of use. You were approved. So that's now your new place of use.

Tydon Oler – It's not until we put it to beneficial use there.

Dan McGuire – No. There's a time limit for when you must put it to beneficial use, and that's October 2023. So anytime between now and then you have to put it to beneficial use. That doesn't put any burden on us.

Tydon Oler – I didn't say it put any burden on you because the burden would have already been there.

Mayor Leach – So I'd like to just get back to the reason I was asking about the irrigation water. You have stated in your application is that your plan is to provide the .45-acre feet of water required for a residence on these parcels.

Tydon Oler – Yes, that's correct.

Mayor Leach – And your plan is that the water will come from that well, a well on your property that is currently approved for irrigation. So, you will have to go through a change application before you can get that water to anyone who buys that property. My concern is that what if that well doesn't prove up? What if there isn't enough water for four houses? I don't see it happening. I'm just saying.

Tydon Oler – There will be plenty of water.

Mayor Leach - But what if it doesn't?

Tydon Oler – Then I won't sell the lot.

Mayor Leach – I have a neighbor that drilled a well in a similar location and couldn't get water from it. So, it does depend on what you're drilling into underneath.

Tydon Oler – Of course it does. So, to put it into perspective, I've drilled dry holes not too far from here. I drilled a 750' dry well. It was a very expensive learning decision. The well driller said look – I said I'm only going to 200'. He said I think if we don't go 200', I'm positive we can hit limestone at 600', so will you go to 600'? I said fine. He didn't hit it at 200'. He promised me water at 600'. There wasn't water at 600'. We hoped we had stopped short. Anyways, I get your point. In this location, we have three locations approved on that. We're proposing the well up further because it would be easier to manage on it. But if we need to, we can drill that one that's located right off the river and we'll hit water.

Mayor Leach – Can you show, when it comes time for a final plat, can you show the location of all of the well sites that the state approved for you. Because I am just concerned that you're saying you're going to provide water, and I'm just really uncomfortable with parcels that don't have known water to them.

Tydon Oler – I understand you saying that, but there's lots all over Rockville that don't have that and the Town's done nothing to rectify that situation for over 20 years.

Mayor Leach – But those aren't – so I'm not talking about other parcels that don't have water. I'm talking about you're doing a subdivision and you're saying you're going to provide water to these parcels, that's what I'm addressing. If you were saying I'm not going to provide it. It will be up to them to find their water source, then we would be dealing with them when they applied for a building permit, not now.

Tydon Oler – My intent is to provide water. If we're unable to provide water, I guess whoever buys them will deal with that. But it will be at a huge loss to us because we won't sell our lots for what we're hoping to if we're unable to provide water.

Mayor Leach – But you would sell them before you drill that well?

Tydon Oler – No. I don't anticipate doing that actually. In my mind, how this transaction works is somebody expresses an interest to the real estate broker that we've hired and they contact us and we go under contract for three or four month due diligence and during that due diligence period, it's conditioned upon us drilling the well, proving up the water and making sure utility lines are ran and road it put in, at least to their parcel, and in my mind I would not close on a lot until it's got – I guess I should say I wouldn't – I did on the other side of the river – but most people don't operate that way. Most people operate – if they're going to spend that kind of money and build a house that I would hope they'd build on these parcels, and I hope they're wonderful, beautiful homes, that they're going to want to make sure that they've got water. So, we did the same thing with Ellis. He bought the lot next to him, so that was a water share that I helped broker with Brady Meyers at that time. And that transaction didn't close until the well was drilled and the water was pumping. I did not sell these lots until I had a well in place and the water was pumping. For one, it makes no sense for me to sell those lots before I have that because I'm just going to sell them at a loss. I cannot afford to sell these properties without water. I just can't. And so –

M. Honer-Orton – There is a sewer line across all four lots?

Tydon Oler – There is a sewer line, yes.

M. Honer-Orton – What other utilities are there?

Tydon Oler – So and that's the thing too that's another reason for the water line going across all four lots is Rockville's code requires that. It says that they need to be across – that water needs to be available to all four properties. And so, sewer line, water and power. I don't anticipate anything else.

Barry Sochat – Will the power be above ground or underground.

Tydon Oler – It will be underground. By code, it needs to be underground. Rocky Mountain Power has given me a "will serve" letter and they've seen the subdivision. So, they know they have the power to provide it. I'd like to take it from the pole that is near the road and run it right along underground. I hope they don't make us take it from the pole that's in the middle of the 3.74 acres and go underground right next to the pond.

Mayor Leach – And is that the proposed that's shown on your map?

Tydon Oler - The proposed is coming along the roadway. And I see no difference. It's a longer run for us doing that. It's actually shorter, but I'd rather it not cut that 3.74 acres.

Mayor Leach – So prior to your putting the parcels up for sale, you're planning to have your well in and so correct me then. What I'm hearing is that you would have your well in, the road in, the utilities stubbed out to the parcels. Am I misunderstanding?

Tydon Oler – No, so prior to putting them up for sale – I would anticipate prior to selling the first lot that we will be running those things. We want to make sure we can sell lots first at the price we need to sell them at. They actually are slated to go on the market as soon as we got preliminary plat approval. The state and both the board – the real estate board – allows you to market lots as a preliminary and take reservations until final plat. The reservation fee needs to be 100% refundable if the final plat does not get approved. So, we anticipate starting the preliminary process almost immediately as far as marketing on those.

M. Honer-Orton – So if we approve the preliminary plat tonight you will be able to market the properties?

Tydon Oler – Yes, so I've already retained April Gates to start marketing. She's had her sign made and plans on marketing those lots. And so, we would start marketing immediately with the hope that we could get a few of them sold really quickly and then the roads, everything goes in quickly. When I say sold, I mean under contract.

Mayor Leach – You can't sell them until you have a legal description which requires a final plat.

Tydon Oler – No, you can take reservations. A reservation and they're under contract with a due diligence period and so yes, we'll start marketing them immediately before utilities and everything is in, taking reservations, but we don't plan on selling a lot to any individual – at least at this point – unless I've got water and all the utilities there. So, there would be a due diligence time frame during those contracts somebody would give us a deposit that's a refundable deposit and then we would go during our due diligence and hit water. If we don't hit water, we made a very bad mistake on this property.

M. Honer-Orton – Are you planning to grade the lots?

Tydon Oler – No, actually the grading worked perfect for the lots right now. The upper pasture portion is actually a couple feet higher than the lower pasture. And honestly, if I were building, that's what I would do. However, some individual may decide he wants to push a little further from the highway. I don't know. Again, he's going to have a spot where he needs to stop because of the Town Code that says you cannot build within 100' of the river. And that's just a wise thing to do as well. But there isn't a lot of slope to that property. I think it's only 4-6 feet, depending on which lot you're looking at. So, it's really not a great deal for somebody to raise a pad on any of those lots. Anywhere – I say anywhere, but with setback that 100' that the Code requires. And so, a 4-6' raise is not a great amount. I mean, it would not put it out of the realm if somebody's building a nice house to raise that pad to do that if they want to be back a little bit further.

Barry Sochat – Would they be allowed to build a basement?

Tydon Oler – Not in this location. So, basements are not allowed in a – actually no basement protrusion, not even a fully enclosed basement protrusion, is allowed in flood plain in FEMA unless the entire town has an exception and their insurance rates go up. That's my understanding at least. I'm certainly not going to tell anyone they can do a basement. I guess if they want to raise their pad 12', but then it's cheaper just to build a two-story at that point. Did you have another question about that, Pam?

Mayor Leach – No, I just, I was not aware that you could market property when it's only in a preliminary plat stage.

Tydon Oler – You can market property and take reservations.

Mayor Leach – You can take reservations.

Tydon Oler – A refundable reservation. Literally they can cancel that for pretty much any reason. And that happens – at least I've seen it happen quite often. My agreement on the marketing of this property too, that if we didn't get final plat, that it was cancelable.

Mayor Leach – When your preliminary gets approved, if it's approved tonight, how soon are you planning to apply for your final plat?

Tydon Oler – That depends on my engineer and he's swamped. I'd like for him to have all the paperwork done within three weeks. We were already moving on a lot of that – in fact, when I told him that Code allows in Rockville to if it's under five or six lots, you can apply for preliminary and final plat at the same time, however that final plat application wasn't available to us. And so, I told him that and I said let's get it all together. Let's have it all ready. So, he was already pushing for that.

Mayor Leach – So you did have the final plat application – I understand from Vicki that she didn't have one when you first came in with your preliminary, but she did send one to you.

Tydon Oler – She did send one after the denial of the special hearing. In answer to your question, I hope to – I want it done within three weeks. Realistically, with the engineer, it always takes longer than I hope.

Mayor Leach – Other questions?

Terry Bell – Want me to make a motion?

Mayor Leach - If you are ready, make a motion.

Terry Bell **MOVED** that the Town Council hereby approves the Preliminary Subdivision Plat for Mr. Oler and Mr. Anderson with the following conditions to be met prior to consideration for approval of a Final Plat for this Subdivision in compliance with Chapter 12 of the Rockville Land Use Code, should a Final Plat application be filed:

1. UDOT approval of roadway access development off SR-9 to meet their requirements, if any.
2. A Utility Plan to be included identifying the following proposed utility locations:
 - Sewer lines, laterals and manholes to the four (4) new parcels;
 - Rocky Mountain Power overhead and/or underground lines to the four (4) new parcels;
 - Culinary Water lines from proposed well to the four (4) new parcels.
3. Rockville Pipeline Company approval/agreement to provide a fire hydrant as shown on plat.
4. Review by Fire Marshal and statement that the proposed single fire hydrant is sufficient to meet distance and water requirements for each parcel.
5. Review by Fire Marshal and statement that proposed roadway will meet its access requirements for fire service to four (4) new parcels.
6. Identify all existing structures and their intended use and or planned removal.
7. Completion of indicated well for current authorized irrigation use, to show sufficient water is available from said well to provide proposed culinary water to four (4) new parcels.
8. Proof of approval State of Utah Water Rights Divisions of use change from irrigation to culinary will be required prior to sale of any parcel in the future.

Tydon Oler – And that last one I would have a problem with because that's not the application process, having all the change applications approved prior to final plat would seem to

Mayor Leach – But you said prior to the sale

Terry Bell – Prior to the sale in the future.

Tydon Oler – So not prior to final plat? Since we're dealing with preliminary plat, I thought these were items that we needed to address on final.

Terry Bell - Proof of approval State of Utah Water Rights Divisions of use change from irrigation to culinary will be required prior to sale of any parcel in the future.

Tydon Oler – Okay, to clarify again, just so I understand, these aren't conditions of preliminary approval to meet on final plat approval. They're conditions that are also part of final plat approval then.

Terry Bell - Yes.

Barry Sochat – Correct.

Tydon Oler – Okay. I thought we'd deal with those separately, so that's why I was confused. Because you've asked me to deal with them separately. So, we've done so. And so, I'm confused as to why the conditions now in preliminary approval would then also address final plat issues.

Mayor Leach – They're just things we want to make sure are covered in the final plat because they're not covered, they're not included, all of the sewer and stuff really isn't shown complete, of proposed locations.

Tydon Oler – The proposed – I'm unable to – I'm glad you brought that up. I'm unable to propose lateral lines for the sewer.

Terry Bell – Excuse me. We need a second on the motion if there is one.

Barry Sochat **SECONDED** the motion.

Tydon Oler – I'm unable to show you lateral lines. I could show where they're intended to be for each home and then stub. But from there they if they build 200' back, then the line is totally different.

Mayor Leach – Right. And that's – it's how it comes to at least the front of the property and connects to the property.

Tydon Oler – Okay. Yes, of course.

Mayor Leach – That's usually what's done in a subdivision is a developer brings somewhere to the front of the property. Where the property owner takes it from there is up to them and how they build on their property.

Tydon Oler - And the answer to that is it will be already on the front of their property. The roadway is included in the actual parcel boundaries. So, they have a main line that runs through each of the parcels. So there wouldn't be any – so I can provide and we can specify that in final plat that they will be connecting directly at the main line anywhere along their 150' as long as – I guess we also need to talk to Springdale, do they want two of them right next to one another or do they like some spacing between them. But they'll be able to connect right to the main line. That's why the road is there on their property.

M. Honer-Orton – So there's not a sewer line in the ground right now?

Tydon Oler – There is. There's a main line. The main line and it would be . . . the easement for that main line runs within the roadway itself on this property so they would be able to – and so I'm just trying to clarify.

Clerk Bell – We'll give you a copy.

Terry Bell – Yes, we'll give you a copy of this.

Mayor Leach – Any further discussion or comment?

VOTE on Motion:

Terry Bell – Aye

Barry Sochat – Aye

M. Honer-Orton – Aye

Mayor Pam Leach – Aye

Jeff Ballard – Nay

The motion passed with four ayes and one nay.

Mayor Leach – Alright, so we'll get that to you. There will be – don't be doing anything other than with the understanding that you can't be selling anything. But you're doing your marketing.

Tydon Oler – There's nothing to sell at this point. To take maybe reservations, I understand, that would be completely refundable. But this is the process. So, I understand.

Alene McGuire – Can I ask a question? Are these single-family homes? These are not businesses, are they?

Tydon Oler – No it's residential property, zoned residential within the Town of Rockville. So, it's residential would be dictated by the one-acre lot size zoning that's there.

Mayor Leach – Tydon, do you mind if Shirley has a question?

Tydon Oler – No, I don't.

Shirley Ballard – It's not really a question to Tydon because he's not going to answer it anyway. So, I'm Shirley Ballard. I'm really concerned that this Board still isn't listening to the fact that he is not giving you all the information you need to even act on this application. Everything he says is I talked to and they said this. You don't have that in writing. If you read all the details of his application, he is so vague it is embarrassing. The road that he's going to put in there, he calls it road base, not hard surface. And I know the Fire Marshal will require that it's hard surface. But he doesn't care what they say. And when it comes to your Fire Marshal report, the Fire Marshal part was non-existent. He never answered a question. He said there's a chance that we'll do this, and we'll do that, but when it comes to the specific project, he did not give any definitive answers. Tydon put non-applicable on things that are extremely applicable to the Town of Rockville. I would love to see a subdivision on this property. I wouldn't have cared if he had asked for 8 lots if he could provide the water and the frontage and everything else, he needs. But he's got to tow up to the line just like everybody else does. If our Ordinance say he has to provide that, you have to insist he provide it. And I don't believe he's been forthcoming, and I can't believe that you'd even lead him on to believe – and maybe you are going to approve this subdivision without the information that he refuses to give you.

Terry Bell – Shirley, this requires that he give most of what you're talking about to us.

Shirley Ballard – And he hasn't given it to you.

Terry Bell – For final plat approval he will have to do that.

Barry Sochat – Yes.

Shirley Ballard – On the preliminary plat it asks for that too. And that's what we're talking about. He's a lot of but, but, and never gives you that information.

M. Honer-Orton – I think we have tried to make provisions for the fact that we will have that information in writing for the final plat.

Shirley Ballard – You are leading him on, and he is going to sue you if you refuse. Because he's not going to give you that information. He hasn't now. If he was up front, he would have given you the information to begin with and this would have sailed through so quick, it would have been easy for you to make this decision. But Tydon will not give you the information. We've dealt with his kind in Rockville before. And I believe that you are egging him on by doing this for him. That's my opinion.

Tydon Oler – I'm sorry Mrs. Ballard feels that way.

Terry Bell – She's not the only one.

Mayor Leach – We will expect you to tow the line or your final plat will not be approved.

Tydon Oler – I don't understand what I haven't towed the line on, though, honestly, at all.

M. Honer-Orton – Let's not have that discussion tonight. We have plenty of time to have that discussion.

Shirley Ballard – He tells you three weeks and you say you have plenty of time?

Tydon Oler – We can scrap this project and propose something different. This is something, I don't understand any animosity. This is what's allowable to this property. It's a very minor use for what is currently allowable on this property.

Mayor Leach – We've made a motion. We've taken an action. There are things we have stated we will expect to have from you prior to your final plat. To the best of my ability looking through our Land Use Code, those are the items that need to be done. There are things that say they get signed off as part of the final plat. Shirley, I'm sorry if I have misread my understanding of this.

Shirley Ballard – You know, I'd like to backup a little. I believe that the Planning Commission erred in making the recommendation to you. I think that they believe they did not want to be the heavy against him to get this information. They left that up to you and that's where the disappointment is. I have not qualms about a subdivision on this piece of property. My problem is that he's getting away with something that your Ordinances say he must provide you with.

M. Honer-Orton – We are doing our level best not to let that happen in the final plat.

Mayor Leach – Prior to the final plat.

Clerk Bell – One thing you did not bring up was the *bonding*.

Mayor Leach – So there is – there will be a performance bond that's required as part of your final plat. It's in the Land Use Code. You can look at that and that will require that you complete these things.

Tydon Oler – Understood.

Mayor Leach – If you don't, then your performance bond

Tydon Oler – Kicks in and compensates

Mayor Leach – Kicks in and makes sure that they are done.

Tydon Oler – Understood.

M. Honer-Orton – 12.1.16

Tydon Oler – Understood. If you know what that is, if you could just let me know what that may be for that performance bond. Because I don't think it says an exact amount. It depends on the parcels.

Clerk Bell – I think it's a percentage or something. I'll have to look. I'll let you know.

Tydon Oler – Okay. Great.

Mayor Leach – Alright.

Tydon Oler – Alright. Thank you.

10. **APPROVAL OF THE MINUTES FOR THE MAY 15, 2019 PUBLIC HEARING AND REGULAR MEETING** – M. Honer-Orton **MOVED** to approve the minutes and Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

11. **APPROVAL OF EXPENDITURES FOR THE MONTH OF MAY 2019** – Jeff Ballard **MOVED** to approve the expenditures. Terry Bell **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

The motion passed unanimously.

ADMINISTRATIVE NON-ACTION ITEMS

1. **MAYOR AND COUNCIL MEMBER REPORTS**

V. TERRY BELL – Terry has nothing new to report.

BARRY SOCHAT- Mosquitos are not bad because the district is doing such a good job. We're happy to have the speed sign on Grafton Road. I don't know its effect, but it lets people know how fast they're going. M. Honer-Orton asked if they identified West Nile Mosquitos somewhere in the county. Terry and Barry said it was identified somewhere in the state. Mayor Leach said she saw it reported at Lake Mead. Barry said they've been reported in northern Utah. Barry thanked Jeff and Shirley for patching the potholes around town.

MEGAN HONER-ORTON – Allen Lee promised to come by last week. It's been so long; we'll have to start over on the sidewalk repairs. We'll get an estimate from him. We went to the Police reception on Donut Day. And it turns out that Gavin was very involved in the CERT team in St. George and he's very enthusiastic about it. But he said he's got his fingers in so many things, he couldn't commit, so he assigned his Sargent Jacob to coordinate with us and maybe have a reception like that and maybe coordinate some new training. Two people have expressed an interest in being trained for CERT.

JEFF BALLARD – Jeff has been in touch with Chance about getting a quote, but he's so busy. Clerk Bell asked if he'd spoken with Quinn. Jane (Whalen) was going to provide a name too. M. Honer-Orton asked to clarify what stonework and Jeff responded the ditch, both sides of the street, on the south side. Mayor Leach said over by the Dennett Dip. Jeff will talk to Quinn. Mayor Leach asked if someone had given a bid for the chip seal work and Jeff responded yes, Alexandria (inaudible). Mayor Leach asked if it was chip seal and some asphalt repair work and Jeff responded yes. Clerk Bell said she has sent that bid off to CIB. Mayor Leach thanked Jeff, Shirley and Lindsey for patching the roads. Jeff said there was more to be done, but they ran out of materials.

MAYOR LEACH – Next Tuesday at the County Commissioners' regular meeting, they will be discussing and voting on the transit tax. It is expected they will vote to approve it. It is expected that tax and the fee schedule will cover the costs of the transit system. And if not, Hurricane and Springdale have indicated they will contribute.

Mayor Leach is still talking to Guy Evans at UDOT about the running boards on the bridge. And they're talking with the supplier and Wadsworth. They have placed a board on the south side under the steel plate because the concrete did not come all the way to the bridge. That board has cracked and they're looking at what that may be replaced with that will last longer.

Mayor Leach asked about the 4th of July Parade. M. Honer-Orton said she was planning on it and suggested that perhaps we should consider riding in a trailer. Jeff reported the Lions Club would be serving breakfast at the Springdale Elementary School from 7:30 to 9am.

Mayor Leach reported that Clerk Bell had met with several HVAC companies, who will be providing bids for a new system in the rec hall.

2. **STAFF REPORT AS NEEDED:** Clerk Bell reported she would call the repairman first thing in the morning.

ADJOURNMENT: Jeff Ballard **MOVED** to adjourn. Barry Sochat **SECONDED** the motion.

VOTE on Motion:

Terry Bell – Aye
Barry Sochat – Aye
M. Honer-Orton – Aye
Mayor Pam Leach – Aye
Jeff Ballard – Aye

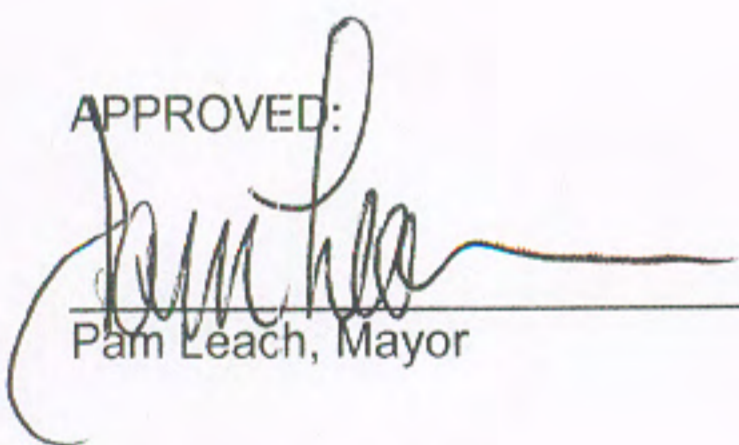
The motion passed unanimously.

The Town Council meeting adjourned at 8:30 p.m.

Minutes prepared by:

Joyce Hamilton
Deputy Town Clerk

APPROVED:



Pam Leach, Mayor

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Vicki S Bell at approximately 11:00 AM on 11 July 2019 and on the Rockville Website.

Vicki S Bell

