

**Rockville Town Council
Regular Meeting
Via Zoom Virtual Meeting
February 10, 2021 – 6:00 pm**

1. **CALL TO ORDER - ROLL CALL:** Mayor Leach called the meeting to order at 6:05 p.m. Present were: Terry Bell, M. Honer-Orton, Jeff Ballard, David Firmage and Mayor Leach. Town Clerk, Vicki S. Bell recorded the meeting.
2. **PLEDGE OF ALLEGIANCE** - Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF THE AGENDA** - Terry Bell **MOVED** to approve the agenda. Dave Firmage **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.
4. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM** - No conflicts were disclosed.
5. **PUBLIC COMMENTS** – No public comments were given.

DISCUSSION / INFORMATION / NON-ACTION ITEMS

1. **REPORT ON ROCKVILLE / SPRINGDALE FIRE PROTECTION DISTRICT** – Mayor Leach read the incident report for January 2021 reporting for Rockville: 0 medical transports, 4 medical refusals, 1 medical CPTA, and no fire responses. Springdale had 3 medical refusals, 2 CPTA's, 3 fire responses and 1 fire CPTA. Zion had 1 medical refusal.

Megan stated that she had found an old set of blueprints for the fire station and she turned them over to the staff at the fire station.
2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION – WELCOME OF RETURNING CHAIR - JANE BRENNAN** - Chair Brennan reported that they welcomed their newest member, Tim Arnold, to the Planning Commission. She expressed thanks to the Planning Commission for re-electing her as Chair. Cheryl McGovern was elected as Vice-Chair.

Chair Brennan reported the Commission discussed ideas for footprint apartments, and how we need to change our definitions to coincide with the definitions that the State will be using. Even if HB082 does not pass, we have learned a lot from HB082 in how things should be worded. If HB082 does pass, it is out of our hands, and we will have to make changes to our Land Use Code to comply with the State law. Mayor Leach added that HB082 did pass out of committee with votes 12-2. It will now go to the House and the Senate before it becomes official. Megan asked if the Town should take a position on that. Mayor Leach stated that she has written to Mr. Diehl at ULCT and relayed what she saw as our concerns. One, assuming the control a local municipality should have for making decisions that fit within our needs and requirements. And then if they are going forward with this to keep in mind small town infrastructure. We have a private water company that provides one water share per residence. If it is passed by the State, even though we were looking to do this, we would have no choice but to allow anybody who wanted to establish a long-term rental apartment within the footprint of their home. She received a little "kick back" from Mr. Diehl on what was to keep a resident from having ten people in their family, five of them leave, leaving five; and then they create an apartment. Mayor Leach asked Mr. Diehl the reverse of that what if there were three people living and they turned an unfinished basement into an apartment; and now instead of three people, they have potentially another three people that increases the water use. There is still a potential for creating an increase in water use. With our serious drought situation, it should be considered. Springdale's sewer service serves most of the houses along SR-9 and she believes it is quite taxed on what it can handle. She did not receive much support for those concerns. Megan reported that she and Bob had personally written to their legislators with their concerns. Mayor Leach expressed that the third substitution of that HB082 has been approved should anyone else like to write their legislators. Dave asked if anyone else's reading of the HB082 suggest that it would do anything to abridge our residential short-term overlay zone. He read that no municipality should have any law as to govern what people are doing inside the footprints for rentals. Mayor Leach responded that the HB082 was pretty specific that this was for a long term, thirty-day minimum, within the existing footprint and the owner must reside on the premises. There were questions brought up on how that is regulated. What if the owner decides to move somewhere else and they then want to rent out the other side? If that is the law, how do we regulate that? How do we regulate if they turn it into a vacation rental? These are things that will become issues. Megan stated that a municipality is not allowed to use the on-line advertisements to fight them for non-compliance with our ordinances. In not being able to use the on-line advertisements, our only option is to hire a private investigator. Mayor Leach stated that is not exactly true. We have had a situation where you can go on and look but you cannot act if you find it. We had a situation where the neighbor reported to the Town that someone was using a property next door as a vacation rental. The neighbor had logged different license plates, spoke with some of the people renting, made a complaint and from that we were able to take action. As a Town we cannot take action against anyone just because they have rentals advertised on-line but does allow us to keep an eye on things. There are ways of being able to have someone report to us - if there is a problem.

Chair Brennan reported that the Commission agreed on increasing our minimum long-term rental period. We currently have a thirty-day minimum limit on whole-house rentals, and they discussed increasing that to a sixty or ninety days. It was reported that Springdale has a sixty-day minimum. If it is legal to increase the minimum on whole-house rentals, the Planning Commission would like to increase the minimum and reflect that with an update in the Land Use Code. In order to deter people from using the loophole - "I only rent it once every thirty days for a week" - it is a short-term rental

in that we do not have neighbors, we do not have community members and we have people who for a week have a big party. It would make it less lucrative, if two or three months were the minimum as they would miss two of those rentals in three months. That is something we will change in the Land Use Code; there was a debate between sixty and ninety days. Dave asked if a 'nuisance neighbor' is a wide-spread problem? Chair Brennan responded that those are the complaints they have been receiving with lighting and odd hours. Mayor Leach added that there have been a couple of residents that have advertised their homes for a thirty-day rental, would accept a rental and the visitors would stay for only one week. When asked by the Town about the activity, the homeowner would say the visitors changed their mind and they did not want to stay for the entire thirty days and had refunded the balance of rent paid - to the visitor. She continued saying as we have heard about the shortage of long-term rentals for employees in this area and homeowners can use the extra rental income, these long-term renters would be around longer, more like a resident and less like a transient visitor to the area. The good thing with HB082 is that we can require a permit and we will know they are renting their unit; they have to meet the current building and fire codes.

Chair Brennan shared that the last thing she wanted to share involved the Town Council by way of changes to the Building Permit process. There are currently three types of Building Permits: a full permit containing several pages, a remodel permit that has two pages and a simple permit with a single page. She did not believe that the changes the Commission would like to see are reflected in the body of the Permits themselves, the changes are more to do with which Permit is issued by the Town Clerk. There have been a few situations where large buildings are built using a Simple Permit, used when they need only one inspection and no Town Meeting is required. The Planning Commission does not oversee or approve the Simple Permit. For certain things it is understandable, something like adding electrical to a basement - get a Simple Permit. However, if a structure in excess of two hundred square feet needs a Permit, the Planning Commission Chair is the only Commissioner informed prior to the Simple Permit approval. So far, the other Commissioners and the public are uninformed for Simple Permits prior to approval. In an effort to be neighborly and provide transparency - prior to money being spent - a neighbor could suggest a tan roof instead of a white roof as the white roof is highly reflective into the neighbor's home. As a way to increase neighborhood knowledge, the Commission would like to have any structure that requires a Permit (anything over two hundred square feet) to have all Building Permits issued with a Planning Commission meeting. The forms themselves do not need modification, but the Town would benefit by clarifying which permit is required for each application. Mayor Leach asked the Town Council to read the building permit applications and then ask questions about their findings to Clerk Bell or Chair Brennan. Currently the Simple Building Permit simply requires the Building Inspector to review the application. In previous scenarios, applicants were asked about their intentions regarding plumbing and electricity being added and they assured the Town that it is a simple structure, no pad, no water, no power and within a short time after it is built, electricity is installed. Chair Brennan added that another common scenario is that they have acquired two separate Permits: the first for the shed, and later, the second for electrical. That is a situation that, if built and wired at the same time, would require a Planning Commission meeting, but acquired at different times, does not require any meeting. The existing system - created in hopes of making it easier for residents - has been misused by the residents. The Planning Commission was not set on any specific building, or structure. Some thought that a certain size of structure, two stories for example, should require a full permit. Perhaps a size-limit could be implemented or require any structure being built, require a permit meeting. Chair Brennan believes that the neighbors deserve to be informed. M. Honer-Orton shared that she asked her neighbor to move a large structure out of her view and has yet to hear back. Terry contributed that when their carport was built using a Simple Building Permit, the then Town Clerk, sent a message to their neighbors saying that they were building a carport and asked if the neighbors had any problems with it blocking their view. He asked if the Town currently has a notification process. M. Honer-Orton said that with a Simple Permit the Town does not notify the neighbors. Chair Brennan said that currently we do not do that but perhaps we should with any structure that is going to be tall. Mayor Leach thanked Chair Brennan and congratulated her on her appointment to Chair of the Planning Commission. She continued to say that in March the Town Council will be selecting Planning Commission alternates. M. Honer-Orton said that she expected to have the Animal Ordinance on tonight's agenda. Chair Brennan said that the public hearing regarding the Animal Ordinance will take place in March. Mayor Leach said the reason for the change in timing was due to changes as to what constituted a misdemeanor. Chair Brennan confirmed that changes were made with the penalty phase to fit with State Law. Dave asked about Animal License Fees as to whether we are contracted with the County for Animal Control and asked about the purpose of the Animal License Fee. Mayor Leach answered that the Town verifies that the animals have current Rabies vaccinations and are tagged to verify ownership. Clerk Bell clarified that the Animal License Fee is \$5.00 for spayed/neutered dogs and \$15.00 for intact dogs. Dave asked if the animal fees go to the county for animal control or who is responsible for animal control? M. Honer-Orton shared that we are responsible and have the police, Robin and Filly. Clerk Bell confirmed that we do not send those fees to the county and that the animal fees stay in Rockville and asked why Dave expressed concern regarding the fees. Dave answered that from his personal viewpoint, when a municipality is collecting fees, those fees should be going to something specific and if it is an obstruction to someone coming in and saying that they need a license, looking at our budget report from this month and over the last year, our license fees are pretty small. He continued to say that we certainly have more animals and he shared that he does not have licenses for his two dogs, but he is not opposed to getting licenses and is not opposed to the fees, he just has not done it yet. He wondered as a Town Council and as a Town if we are collecting fees that really do not need to be collected other than to meet a specific purpose for meeting our budgetary needs. If we are issuing tags or something and we need to pay for those tags, that would be something that is legitimate. Mayor Leach confirmed that the Town does issue tags. Clerk Bell thanked Dave for his input.

ADMINISTRATIVE ACTION ITEMS

1. **APPROVAL OF THE MINUTES OF THE JANUARY 13, 2021 REGULAR MEETING** - M. Honer-Orton **MOVED** to approve the minutes from January 13, 2021 Regular Meeting. David Firmage **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

2. **APPROVAL OF THE MINUTES OF THE JANUARY 27, 2021 SPECIAL MEETING** - Terry Bell **MOVED** to approve the minutes from January 27, 2021 Special Meeting. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

3. **APPROVAL OF EXPENDITURES FOR THE MONTH OF JANUARY 2021** - Jeff Ballard **MOVED** to approve the Expenditures for the month of January 2021. M. Honer-Orton **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

4. **APPROVAL OF THE JANUARY 2021 FINANCIAL STATEMENTS** - M. Honer-Orton asked about [inaudible] page 3 the list might just be the fiscal year but employee benefits from July to January were \$543 the budget was \$104. The percent of money over budget was 439%. And the percent over budget was 522% and that looked off unless it is a fiscal situation. Clerk Bell confirmed that it is off and that she would look into her program and let the Council know what went on. She also directed the Council to the Fund Balance Report sharing that it is recommended by the auditor to stay within a certain percentage of monies, some of the balances are at the limit of what can be carried. She asked the Council to look at some of the Reserve Cash Accounts and if there is something in there that can be spent, we can get the balances down to lower levels. Mayor Leach asked if money can be moved from one account to another. Clerk Bell said that if the Council agrees to it, then yes. M. Honer-Orton had one recommendation regarding the sidewalks that need to be replaced and the estimate, based on Allen Lee's \$7.06 a square foot, worked out to around \$10,000 for priority one and priority two items. She continued to say that further work will be needed to grind down the lifted sections of sidewalk and could use more money in the account to hire a company to come and grind-down the lifted edges that need to be smoothed off. Clerk Bell asked if there was a specific dollar value for that work. M. Honer-Orton will need to further assess the sidewalk and will estimate the repair value following the assessment. Clerk Bell stated that if the Town can get the sidewalk work completed, the percentage will be reduced significantly. She continued to say that the Cemetery Fund has \$19,000 in it and asked Jeff to organize the weed prevention and get that taken care of, those funds can be used effectively. Jeff said that within the next month we can get that done. M. Honer-Orton asked about the timeframe. Clerk Bell said that things need to be spent before June 30, 2021. Terry asked if the excesses can be transferred to General Funds. Clerk Bell did not recommend transferring excesses to the General Fund. She read that the Special Event Savings Account is used for events like Rockville Daze and the Appreciation Breakfast and as those events have not been held for over a year, if the Mayor would like to donate some of those funds to the Tree Project Fund and plant a few more trees along the street, we could do that. Mayor Leach stated that currently there is a bill in Committee for potentially raising those percentage limits for small towns which may not impact us this year but will likely come into effect next year. She said that we certainly have projects where we can use the money. Clerk Bell wanted to give the Council notice allowing time to think creatively and use the money in the best way possible. Right now the ceiling of what we can keep is 75% of the budget. Terry questioned of the total funds or of the Reserve Funds. Clerk Bell confirmed that it is the Reserve Funds. Dave asked if Jeff has plans for the cemetery weed removal project. Jeff stated that it is a spraying project to prevent the weeds from growing and believed that the estimate was around \$2,000. Dave Firmage shared that he has worked with the UCC and some of the conservation crews that are used in the Park for weed control and he offered to help and lend a hand or consult on chemicals as well. Jeff stated that the prisoners usually do weed removal but under Covid-19 restrictions they are not able to come out and thought that a weed spray will help us stay ahead of the weeds this year. M. Honer-Orton **MOVED** to approve the January 2021 Financial Statements. Terry Bell **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

ADMINISTRATIVE NON-ACTION ITEMS

1. Mayor and Council Member Reports:

Jeff Ballard shared that the Grafton sign was installed earlier that day that says it is 'closed after dark' and there is a second sign close to the cattle guard near the Gabler residence so that job is completed. Mayor Leach said that next month an ordinance will be discussed regarding closing Grafton from dusk to dawn in an effort to control people wandering around. Also, if we have that ordinance, it allows our law enforcement to ask people to leave or remove them if necessary and with the tremendous increase of visitation, the ordinance will help a lot. She continued to say that she spoke with Jane Whalen who is on-board with the ordinance, she spoke with Jeff and Shirley and they both support it. She also spoke with Police Chief Brecke and as soon as the police know that the ordinance is in place and provide them a copy, they will be able to enforce the time restrictions in Grafton.

M. Honer-Orton – Thanked Vicki and Terry for installing a new tarp over the CERT trailer. She continued that she is planning the Great Shake-Out exercise this April about earthquakes and the CERT team may put on a small exercise in the park with masks and observe social distancing. They plan to unload the trailer and set up the canopies and sort out all of the equipment and assess what we have and what we need. She is targeting Saturday, April 18 and will send out a notice to the CERT members before the end of the month.

There was also a notice in the newsletter about updating the phone tree with current emails and phone numbers to ensure contact during an emergency.

And the sidewalks, she reassessed the sidewalks that day and the priority one items are going to be about \$4,000. The priority two items are going to cost a little over \$5,000 due to the two sections, one on N. Dennett Lane ditch that crosses over from the highway that is 24 by 6 feet and the other big one is Hirschi Lane the cross-over from the highway needs work. Those two spots will require a lot of cement and we may need to choose between those two to prevent going over the current budget. Another big stretch is at the Community Center with the wheelchair ramp that needs to be repaired. [Inaudible] Mayor Leach shared that it had been some time since they created the budget for sidewalk repairs based on an estimate that Allen Lee had provided a while back and the Town had decided to get additional bids from other companies. M. Honer-Orton said that Allen Lee had come into the Town Office that same morning where the other estimates were discussed, and Allen did not contest the price that had been quoted. [Inaudible]... but he does have us on the list although he did not commit to a specific date, but he asked for the total number of square feet. Jeff asked if the price included the piece at Bridge Road where they keep running over the corner. She confirmed that yes it does, and they plan to install a curb in there and the price may exceed the linear feet estimated price.

Jeff asked to add a roadside clean-up also and wanted to get that on the agenda saying it is particularly bad on the west end of town. Mayor Leach added that the County is putting together a small crew to come out and help with the trailer - and they specifically mentioned Rockville who does their roadway cleanup with volunteers - the County wants to come and assist municipalities where they can - to do the cleanup as the roadsides are getting trashed. Jeff asked about the dumpsters and when they are expected. Clerk Bell stated the 20th. Jeff suggested doing the cleanup in advance of the dumpsters arriving as they can use the dumpsters for what is collected at the roadside. M. Honer-Orton mentioned that the LDS church adopted the portion of highway that starts where the Rockville volunteers end and continues west. The Bunk House Bed and Breakfast has two miles of highway for which she could use a volunteer to help as Bob is no longer able to help with that. She has not seen the LDS crew out recently and things are looking quite messy. Mayor Leach suggested that we get a large group of volunteers and cover a wider swath and perhaps get the County to help. M. Honer-Orton suggested getting a person that needs to do 'Community Service' hours and if the Town can sign-off on the hours, she will put the person to work. Mayor Leach agreed to signing off on the person's Community Service hours if they want to help clean-up the roadside. She asked about the specific date that Jeff had in mind for the Clean-up. Jeff responded saying that the clean-up can be done right before the dumpsters arrive. The Council decided that February 17 at 3 p.m. would work for roadside cleanup - starting at the Community Center and make a plan once they know the number of volunteers. Mayor Leach reminded everyone that the bridge work is being completed on Tuesday February 16th and Wednesday 17th although they hope to be done on the 16th. Clerk Bell committed to sending a notice by email to connect with as many volunteers as possible. She also suggested that we acquire trash bags from UDOT to which M. Honer-Orton said that she has a case that she will share with the Town.

Dave Firmage - said that he did not have anything to report but asked M. Honer-Orton about the April 18 for the CERT program being on a Sunday that may be a problem for some. M. Honer-Orton said that she will make it Saturday, April 17. Mayor Leach asked how many people are expected for the CERT event. Megan responded that she expects about four. Mayor Leach thought that if it is to be a group of ten or more, Covid-19 precautions should be implemented. Clerk Bell addressed Dave regarding a FEMA form/map that a local resident is currently working on to which his signature will be needed once the form is completed and that she would be in touch regarding timing.

Terry Bell – attended the DTEC meeting where the roadside trash was discussed. They plan to enforce covered loads a lot more stringently than they have in the past. Another thing is the Northern Corridor, and it has been approved in Washington. It still faces private lawsuits, but it has been approved by the Federal Government and although it will be expensive it is still a couple of years from beginning construction. Mayor Leach shared that according to one of the County Commissioners – in what was shared at the Mayor's meeting – is that the Northern Corridor is possibly four or five years out as funding and other issues need to be planned. Terry stated that it will be in excess of one hundred million dollars when it is completed.

Mayor Pam Leach – shared that at the Mayor's Association meeting yesterday, Zach Renstrom from the Washington County Water Conservancy District provided a PowerPoint presentation regarding the dire water situation. She emailed Zach and asked if she could get the PowerPoint presentation to share with the Council. She has not yet heard but hopes to share the information once she receives the presentation. One of the more important points that was made was that by 2026, provided stringent water conservation methods are implemented, they will need to stop issuing building permits. In Washington County they have estimated that somewhere between twenty to twenty-five

thousand homes are currently approved for building. He also indicated that the current water connection impact fee is \$10,000 per home and may be raised to \$20,000 as the expenses to provide water are increasing. The County is looking at the Toquerville Reservoir as a main resource a couple of years down the road, but Sand Hollow and Quail Creek Reservoirs are able to sustain the current water demands for 2021. The information was alarming, and she will share the PowerPoint presentation when it is available. There is legislation where they are trying to put together a committee called the Colorado River Authority – the state is creating the committee to fight the other states that oppose Utah's attempt to take additional water out of the Colorado River. She expects there will be litigation in connection with that. Jeff asked about the re-adjudication, but Mayor Leach had not seen anything but will watch for the information.

She went on to mention the speed trailer and in speaking with Chief Brecke, Springdale is looking at getting a speed trailer as well. The speed trailer that had previously been used in Rockville was borrowed from the Park and have been generous in allowing us to use it thus far. Today, Chief Brecke said that Springdale is looking at getting a digital speed trailer sign that they can put a message like 'slow down' and from a computer, print messages, change the speeds and things like that. Mayor Leach shared with the Chief that we had been looking at budgeting a speed trailer for Rockville and suggested sharing a trailer with Springdale. Chief Brecke generously said 'Rockville can use that money somewhere else – they might need it' and the Springdale Police Department is prepared and will be happy to work with Rockville and let Rockville use the trailer when it is needed. Mayor Leach suggested that Rockville could help maintain the trailer with things like battery replacement when needed to help with the offer. Springdale will store the trailer. Mayor Leach will stay in touch with the Springdale Police and in the next few months it will be ordered and will be available for use when needed. She appreciated the Springdale Police Department's generosity.

They are continuing to work on the Multi-Use trail, the section from LaVerkin to Virgin. They had put out an RFP for the environmental study and some design and when they approached BLM, they required numerous forms to be completed. BLM is willing to work with LaVerkin in getting that together. The trail will run parallel to SR9 except for through the twists and are discussing using an old roadway so that the trail will be separate from the twists. We are still waiting to hear about the National Scenic Byway designation for SR9 that was applied for by the Zion Regional Collaborative and we are looking forward to hearing it is approved. M. Honer-Orton asked if they are running fiberoptic cable beside SR9 with the construction near the twists and into Virgin. Mayor Leach said that yes, it looks like that is what is currently being installed. She expects that what is being installed now will likely connect with what was run through Rockville although no one has approached the Town with any specifics.

Staff Report – Clerk Bell reported that there was a break-in at the Community Center where a man and his dog was found and surprised the two residents that had rented the Center when they entered for their activity. The Springdale Police had come out to speak with the man. He believed there was a youth hostel in the basement of the Community Center and had let himself inside. Later that week, a dog could be heard barking close to the Town Hall and the same man had moved himself and his dog into the vacant dwelling next door to the Town Hall. The police came and arrested him on outstanding warrants, and he has not been seen since. The Community Center lock has been zip-tied closed and the kitchen door is the only point of access for the time being. Money has been added to the budget to either repair the locks or replace the doors at the Community Center as the locks were ineffective with the man and his dog and have needed attention for some time.

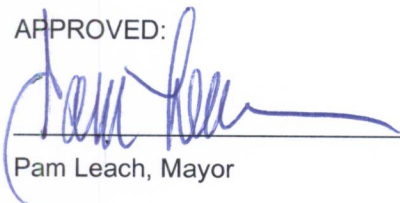
ADJOURNMENT - Terry Bell **MOVED** to adjourn the meeting. David Firmage **SECONDED** the motion.

Hearing no objections, the meeting was adjourned.

The meeting adjourned at 7:14 p.m.

Minutes Prepared by:
Pearl Meadows, Deputy Town Clerk
Town of Rockville

APPROVED:


Pam Leach, Mayor

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Jack S. Bell at approximately
12:00 AM/PM on 11 March 2021 and on the Rockville website.

Jack S. Bell



Rockville Town Council

Regular Meeting

February 10, 2021 6:00 p.m.

Zoom Electronic Meeting

Rockville Community Center

43 E. Main Rockville, UT 84763

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME _____

ADDRESS

Jane Brennan