

**Rockville Town Council
Regular Meeting and Appeal Authority
Via Zoom Virtual Meeting
March 10, 2021 – 6:00 pm**

1. **CALL TO ORDER - ROLL CALL:** Mayor Leach called the meeting to order at 6:00 p.m. Present were: M. Honer-Orton, Terry Bell, David Firmage, Jeff Ballard, 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:** Jeff Ballard **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 – Chief Gildea. Mayor Leach read the incident report for February 2021 reporting for Rockville: 0 medical transports, 3 medical refusals, 2 medical CPTA, and 2 fire responses. Springdale had 1 medical transport, 5 medical refusals, 2 CPTA's and 5 fire responses. Zion had no incidents reported.

APPEAL AUTHORITY ACTION ITEMS

1. David Firmage **MOVED** to go into Appeal Authority. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

DISCUSSION AND ACTION ON THE APPEAL OF THE ROCKVILLE PLANNING COMMISSION'S DECISION OF NOVEMBER 10, 2020 ON AN APPLICATION FOR DETERMINATION OF LEGAL NON-CONFORMING USE FOR TRACY L. COX, SUCCESSOR TRUSTEE, ALLEN B. LEE AND CLAYTON D. LEE, APPLICANTS TABLED FROM THE FEBRUARY 24, 2021 SPECIAL MEETING: Mayor Leach stated that as allowed by the Rockville Land Use Code 1.24 Appeals, Reconsiderations and Call-up Process Section 6, Town Council action on appeals subsection (d), Town Council's review of Petitions of Appeal shall be limited to consideration of only those matters raised by the petitioners unless the Council, by motion, enlarges the scope of appeal to accept additional information.

M. Honer-Orton **MOVED** to enlarge the scope of appeal to accept additional information. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

Mayor Leach invited Council Members to share additional, pertinent information. Jeff added that he had knowledge that Steve Cox used gravel, sand, and other materials from the Cox Family property during the time that he had a small construction business. He was also aware that Budd Lee and Sons used material from the Cox property and Steve had indicated to Jeff things were that way so that the pit could remain in an active status. Jeff was not sure of the exact date when that started but guessed it was in the 1970's and was not positive about payment or trade for the work completed.

M. Honer-Orton shared her opinion that it was public knowledge that gravel, and sand mining was taking place on those properties and had been occurring for a long time.

Dave shared that he had looked at publicly available aerial images from Google Earth Pro that has an application where you can look backwards and look at different flyovers with time stamps. Going back to the late 1980's the imagery is grainy and seems to corroborate the imagery that the Lee counsel had submitted. The imagery becomes clear by the early 2000's and the landform in the area in question changed and shifted. There was clearly the introduction of a large machine, possibly a sifter or crusher, which led to his interpretation of continuity of operations on that property.

Mayor Leach read the decision "Based on the minutes of the Planning Commission meetings on October 13 and November 20, the documentation and testimony presented, the Planning Commission's decision, the Appeal Brief submitted by the Appellant, the arguments of counsel, and the additional information just presented, the Town Council, acting as the Appeal Authority, has prepared a written decision, which includes the following: Order and Conditions of Approval. The decision of the Planning Commission denying the application for determination of legal non-conforming use as to the Cox property parcel R-1280-A-2-A is hereby reversed and the Applicant as to the Cox property is hereby approved. This reversal and approval is strictly limited to the current legal boundaries of the Cox property and does not allow mining on parcels R-1282-B-1, parcel R-1282-B-3-A-1 or parcel R-1282-A-1. This reversal and approval is conditioned upon the following:

1. Tracy L. Cox successor trustee of the Alma J. and Angeletta H. Cox Family Trust dated February 17, 1995 (the Cox property) and Budd Lee and Sons (Lee and Cox properties) shall maintain annual business licenses with the Town and all future business licenses shall include the numbers and acreage of the parcels authorized by the licenses. This condition is necessary because a business license is required to operate a business in Rockville

and failure to maintain a business license means that mining is no longer a legal, non-conforming use of the Lee and Cox properties.

2. The Trust shall have a survey of the Cox property conducted and Budd Lee and Sons shall have a survey of the Lee property conducted. The survey shall be conducted by a State Licensed Surveyor and the Surveyor shall mark the boundaries of the Cox and Lee properties and provide the Town with aerial or satellite images showing the surveyed boundaries. This condition is necessary to determine and verify the land area permitted as a legal, non-conforming use of the Cox property and to ensure that no mining occurs on the parcels adjacent to the Cox property on the south, Cox parcel R-1282-B-1 and to the west on Cox parcel R-1282-B-3-A-1 and to verify the land area permitted as a legal, non-conforming use of the Lee parcel and to ensure that no mining occurs on the parcels adjacent to the Lee properties on the east Lee parcel R-1280-A-1-B and to the west Grafton Heritage Partnership parcel R-1282-A-1.
3. When gravel, sand and soil extraction is completed on the Lee and Cox properties respectively, the pits and surrounding areas shall be rehabilitated by the pit operator. Rehabilitation shall include but is not limited to smoothing or leveling to prevent erosion, replacement of top-soil and replanting with native plants and grasses.

The entirety of the Town Council's written decision including findings of facts and conclusions of law will be provided to the Appellant's counsel and incorporated into the minutes of this meeting."

Jeff Ballard **MOVED** to adopt the written decision. Dave Firmage **SECONDED** the motion.

VOTE on motion:

M. Honer-Orton – Aye
Jeff Ballard – Aye
Terry Bell – Nay
David Firmage – Aye
Mayor Leach – Aye

The decision was approved.

David Firmage **MOVED** to go out of the Appeal Hearing. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

ADMINISTRATIVE ACTION ITEMS

1. **DISCUSSION AND ACTION ON A RESOLUTION PROVIDING FOR THE APPOINTMENT OF A FIRST ALTERNATE TO THE ROCKVILLE PLANNING COMMISSION:** Mayor Leach stated that they had interviewed several people for the positions on the Planning Commission. Four of those people indicated an interest in being considered for alternate positions.

M. Honer-Orton **MOVED** to appoint Brooke Wright as the First Alternate to the Rockville Planning Commission. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

2. **DISCUSSION AND ACTION ON A RESOLUTION PROVIDING FOR THE APPOINTMENT OF A SECOND ALTERNATE TO THE ROCKVILLE PLANNING COMMISSION:**

David Firmage **MOVED** to appoint Garth Tyler as the Second Alternate to the Rockville Planning Commission. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

3. **APPROVAL OF THE MINUTES OF THE FEBRUARY 10, 2021 REGULAR MEETING:**

M. Honer-Orton **MOVED** to approve the minutes of the February 10, 2021 Regular Meeting. David Firmage **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

4. **APPROVAL OF THE MINUTES OF THE FEBRUARY 24, 2021 SPECIAL MEETING:**

David Firmage **MOVED** to approve the minutes of the February 24, 2021 Special Meeting. Jeff Ballard **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

5. **APPROVAL OF EXPENDITURES FOR THE MONTH OF FEBRUARY 2021:**

Terry Bell **MOVED** to approve the expenditures of the month of February 2021. David Firmage **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

6. **APPROVAL OF THE FEBRUARY 2021 FINANCIAL STATEMENTS:** M. Honer-Orton asked about the Profit and Loss Budget, page six, the last line, Net Income of July 2020 to February 2021 is \$71,539. The Budget for this year is \$39,000.00 and the Budget difference is \$32,000. Clerk Bell responded that the budget line indicates where we hope to be at the end of the fiscal year. Right now, we are eight months into the fiscal year and are showing a Net Income of \$71,539. With four months to go, we still have some big expenditures before the end of the fiscal year and will get closer to our anticipated budget with the up-coming expenses. M. Honer-Orton questioned the \$39,000 value for the 2021 budget. Clerk Bell clarified that the \$39,000 sum is what we anticipate being carried over into the next fiscal year.

Jeff Ballard **MOVED** to approve the February 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:**

V. Terry Bell – Had nothing to report.

Dave Firmage – Last week he signed a form regarding the elevations at the Doggy Dude Ranch to confirm that the house is out of the flood plain. He is looking forward to some rain and that will be time to look at the ditches and see if debris will need to be removed and start thinking about how to budget for that. He suggested that Jeff and he discuss that over the next month and determine what needs to be trimmed prior to the Summer. Jeff said that all the ditches need to be cleaned and without the purgatory crew that usually cleans the ditches, due to quarantine this past year, he was unsure about what will take place in the near future. Megan stated that we have volunteers and mentioned Travis Terry and Jonah Terry that have offered to help with whatever is needed. Clerk Bell shared that in the last couple of years, the Town has paid Zion Arborist to clear the washes and cut tree branches as needed.

Megan Honer-Orton – It has been suggested that the Town provide a pull-out on SR-9, in view of Grafton, with a sign providing information that includes the fact that there are no restrooms available in Grafton and the rough road conditions. She thought the location of the pull-out could be in the vicinity of the cross-over to Grafton. Jeff agreed that there is a problem at Grafton regarding restrooms and waste. He stated that the only area where Grafton is visible from SR-9 is close to Coal Pits Wash.

Megan shared that there will be a CERT Great Utah Shake-Out exercise on Saturday, April 17, 2021 at the Community Center in the parking lot. The CERT trailer will be brought out, supplies will be set-up and people will be shown what we have and answer questions. That same day is Earth Day and Springdale is planning a River Park Clean-up in the morning. The CERT event will be planned in the afternoon to accommodate people that want to participate in both events, and she will send out an email to the public to invite the community.

Megan had spoken with Wes Dennett regarding the sidewalks, and he will provide a bid and stated that his price per square foot is \$7.00. He has a grinder as well and can grind-down the lifted sections of sidewalk and would repair the lifted sections for an extra \$1,500 which includes 44 different locations throughout Town. Allen Lee's quote per square foot was \$7.60. Until we get the actual bid, the exact value is yet to be determined but appears that it will come in below the budget.

Mayor Leach commented regarding the Bridge, the company that provided the material to fill the south header, will be providing information about an epoxy/cement material that can be applied on top of the existing concrete for the handicapped ramps behind the Community Center to preserve the ramp and improve the surface. It could prove to be effective, save money and be done quickly. Jeff suggested a non-skid surface if it is slurry sealed. Megan stated that Allen Lee's recommendation for the ramp repair was to remove the entire ramp and re-pour the 39 linear feet, by 4 feet across, making 158 square feet and is the most expensive part of Allen's bid. The ramp was omitted from the information Megan provided Wes Dennett. Mayor Leach asked if Jeff agreed with the fact that the ramp is structurally sound but the surface needs repair. Jeff agreed that the exterior of the ramp was the concern and the interior seemed sound. There is a slurry that can be applied to seal the ramp, which he has seen in his sister's carport, with a rugged surface and decent traction. Megan said that Wes Dennett is running about a month out and she had not received any specifics from Allen Lee about timing.

Jeff Ballard – Asked about the dumpsters coming this weekend. Clerk Bell said yes, they are coming and that she would call to confirm the next morning. He mentioned that they are planning to spray the weeds at the cemetery. Clerk Bell confirmed that the weed removal company, A-Star, plans to be there later this week and she would have him touch base with Jeff with details.

Mayor Pam Leach – Thanked everyone that participated in clearing the roadside trash on SR-9; a lot of trash was collected, and the road looks much improved. She was reminded by Gil Almquist from the County Commissioners Office that they had purchased a wagon and truck and have a couple of employees that will be available to assist with

trash removal if needed. Jeff and Shirley removed most of the trash bags that were used for roadside clean-up and Dan may have taken the remainder as the dumpsters were not available as planned. Jeff said we collected over 25 bags as there was a great deal of trash. Mayor Leach said that they worked from the east side of Rockville, at the irrigation pond, all the way to the entrance of the Lee Gravel Pit.

She received information from ZNP, Superintendent Jeff Bradybaugh that the Park has installed roadside composting toilets and we may want to look at doing something similar in Grafton. There may be some grant money available to help with the expense as two-seater is currently priced around \$60,000. Megan suggested RAP tax money could be used. Jeff confirmed that it is a real problem at Grafton with the human waste. Clerk Bell asked about a port-a-potty option. Jeff responded that with the intense usage, a port-a-potty would need to be dumped daily, which can get expensive. Mayor Leach believed that with funding, establishing something like a composting toilet, would be most helpful.

Mayor Leach reported that we have been highly successful in getting people appointments for Covid-19 vaccinations. We are now working on registering our community for their second doses.

Jeff mentioned that the Bridge is quiet now and it may actually be repaired. Mayor Leach spoke with Sam from Lochner who is working on the fiberoptic project in Hurricane until mid-Summer and said he would come up and check the Bridge and ensure that things are remaining tight and if things do loosen, they have a different type of locking nut that can be tested to see if they work better. Jeff mentioned that currently the north end is creating more noise than the south end and the repair seemed to have worked.

Mayor Leach shared that the new sound system has been installed in the Town Hall, with an added camera for recording and viewing on a television screen to improve visibility, in preparation for when meetings are once again held in-person.

2. **STAFF REPORT AS NEEDED.** – Clerk Bell did not have anything to report.

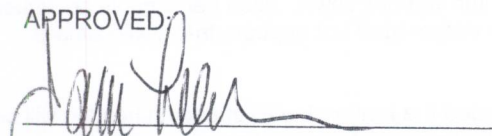
ADJOURNMENT – Jeff Ballard **MOVED** to adjourn the regular meeting. M. Honer-Orton **SECONDED** the motion.

Hearing no objections, the motion passed unanimously.

The meeting adjourned at 6:41 p.m.

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

APPROVED:


Pam Leach, Mayor

The foregoing minutes were posted in the foyer cabinet of the Rockville Town Office by Vicki S. Bell at approximately 10:15 AM/PM on 15 April 2021, on Rockville's Website and the Utah Public Notice Website.

Vicki S. Bell



**Rockville Town Council
Regular Meeting and Appeal Authority
March 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

Ken Rybkiewicz

Laurie

Sandy Cox Campbell

Kimball Forbeo