

**Rockville Town Council
Regular Meeting
Rockville Town Hall
March 15, 2023 – 6:00 pm**

1. **CALL TO ORDER - ROLL CALL:** Mayor Pam Leach called the meeting to order at 6:00 p.m. The following members of the Town Council were present: Michael Evenson, Dan McGuire, Megan Honer-Orton, Mayor Pam Leach, and Jeff Ballard. Town attorney Matthew Ekins was in attendance. Vicki S. Bell recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF THE AGENDA:** Jeff MOVED to approve the agenda. M. Honer-Orton SECONDED the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

4. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were discussed.

PUBLIC COMMENTS: Mayor Leach asked if there were any public comments that the audience had that were not included in the agenda.

Shirley Ballard: I'm here to talk about the Planning Commission, and one of the items that they're working on now. They're talking about allowing storage containers, I call them shipping boxes, in Rockville, and I'm adamantly against that unless the stipulations put on them are, that since it is a new fad, to make them into houses and tiny homes and things like that. They cut windows, doors, put plumbing, electricity and put a slanted roof on them. But just to have them for storage, I am so totally against that. I think they look like riff-raff to me. I just don't think they fit Rockville. I didn't go to their work meeting last night so I don't know where they are on that, but I did see it on the agenda and I'm just letting you know that I'm totally against it. Thank you.

Mayor Leach stated that there will be a public hearing on that issue at a later date.

DISCUSSION / INFORMATION / NON-ACTION ITEMS:

1. **REPORT ON HURRICANE VALLEY FIRE PROTECTION DISTRICT:** Mayor Leach read that Rockville had a total of 5 calls: 1 medical transport, 0 medical refusals, 1 cancelled prior to arrival, and 3 fire calls. Springdale had a total of 8 calls: 2 medical transports, 3 medical refusals, and 3 fire calls. Zion had a total of 1 call, a medical refusal. Dan McGuire added that there will be a meeting of the Fire District on the 27th of March to consider the 48/96-hour work schedule. A survey was sent out last month on this issue. Dan believes that most people are in favor of adopting the new work schedule and that it will likely pass. Dan thought the chief seems neutral on the issue. The board has already agreed to give them time to implement it.
2. **REPORT ON RECOMMENDATIONS OF THE PLANNING COMMISSION:** Vice Chair Brennan related that there was no Regular Meeting of the Rockville Planning Commission (PC). She stated that were 3 items discussed at the PC's Work Meeting. The first dealt with the Land Use Code (LUC) and for the allowance of a Code Compliance Officer. The job duties of this Code Compliance Officer must be specified before hiring, and the Commission is working on a draft.

The PC is working to change and simplify the Sign Chapter. In order to avoid infringing on Free Speech, they will not concern themselves with a sign's content; rather, they are now trying to regulate according to how long a sign is going to be up.

The final PC work discussion item dealt with the aforementioned use of cargo storage containers. Jane stated that currently, Rockville residents may have such a container on their property for up to 10 days.

The Commission is now responding to an email from Mayor Leach containing nine questions on this topic, and Jane provided Council members with a list of their responses. The first question was why Rockville would want to allow this now when we haven't before, to which Jane replied they have had enquiries about legalizing shipping containers as accessory buildings. The concern of the PC is that to deny the use of a shipping container of the same size as an allowable conventional wooden structure would be to regulate construction materials. The question is whether such regulation is appropriate or legal.

Another question addressed the removal of the existing paragraph listing other varieties of cargo containers. For example, pod-style containers, small and made for temporary use only, would be allowable for up to 10 days.

The next question was why the rules regarding placement of the storage containers on a property differs from the existing accessory building setbacks. Vice Chair Brennan stated such containers should fit our building accessory setback requirements and the PC is working to define verbiage of these requirements. The word "behind," for example, would mean 5 feet behind the frontmost plane of the residence. She cited there is difficulty for some homeowners to place all of their accessory buildings directly behind their house. The Vice Chair added that the town will create difficulties for itself should it define the term "behind" strictly, since citizens would then be unable to use their property the way they would like to. The proposed working definition would include any accessory buildings. Mayor Leach clarified by asking whether such a structure could be five feet back from the front of a house directly on the side of the house. Jane confirmed by answering yes. Vice Chair Brennan stated that the PC has already seen the need for a new definition due to some oddly shaped lots which prohibited compliance to the Code as currently defined or interpreted. The Mayor believed that Rockville has dealt with such instances with variances, but Jane explained that she herself has not heretofore been able to allow the construction of accessory buildings by using variances. She pointed out that those weren't denied formally in a meeting but were disallowed conversationally.

The question regarding use of electricity in such structures was brought up next, and Jane informed the Council that electricity is addressed in the permit application since it will need an inspection the same as an accessory building would.

In response to the next question, Jane informed the Council that accessory buildings cannot be used as dwellings. Mayor Leach stated that this restriction was stated on the application and directed that clause be clearly outlined in the Code.

The sixth question addressed was whether 46' is the standard length of these storage containers, and the Vice Chair Brennan replied 46' is currently the largest available length sold. The PC has stated that 46' is the maximum length for any accessory building in Rockville.

The seventh concern voiced the observation that these containers are not attractive, even when painted an earth tone. Jane asserted that the observation is a subjective one, and suggested that regulating building materials may be beyond the scope of our regulations. She pointed out that we no longer have a design-regulating chapter in our Code (Chapter 14 was omitted 8 years ago).

Jane concluded by addressing the last two questions together. As to whether the terms for approving any existing storage containers have been worked out, the answer is yes. The enforcement of such, however, has yet to be completed. Several members of the PC feel strongly opposed to the use of cargo storage containers as accessory buildings in Rockville, and Jane suggested the topic be used in our next survey. Michael Evenson brought up the point that Springdale has requirements that citizens paint or apply siding to such units to improve their appearance, and Shirley Ballard added a pitched roof is also mandated in Springdale.

ADMINISTRATIVE ACTION ITEMS

1. **DISCUSSION AND ACTION ON THE APPROVAL OF THE WASHINGTON COUNTY COMMISSIONER'S LETTER OF INTENT REGARDING ROCKVILLE'S ROADS:** Mayor Leach shared that there were a number of things that she felt were missing from the letter of intent compared to what was said at the meeting and in conversations with the County Commissioner's (CC). Attorney Matthew Ekins and Jeff Ballard were in attendance at that meeting, along with Mayor Leach. The Mayor stated that while the CC said that Rockville would have the right to approve changes and any work to be done on the roads, that was not stated in their letter of intent. Mayor Leach added that Jeff noticed this as well, and asked Attorney Ekins to say more about it. Attorney Ekins affirmed that the CC spoke of the idea of identifying needs, maintenance, control, speed issues, not widening the footprint, but he didn't get the

sense from the letter that they were committed to that. Attorney Ekins declared it was the responsibility of Rockville to identify our own needs, and outline how we want to manage them. The County, he said, will work to carry that out.

Mayor Leach mentioned that once the connector corridor is completed that the portions of Bridge and Grafton Roads that were not included in the new corridor would be returned to the Town of Rockville. Jeff and Attorney Ekins both confirmed that was also their understanding of what the CC said at the meeting. Attorney Ekins clarified that he understood the statement yet was unsure of what Commissioner Almquist was focused on, in the sense that he's looking for connectivity between the Smithsonian Butte Road, Apple Valley, all the way through to SR9. Attorney Ekins said that right now the CC is identifying the old Bridge and Grafton Roads to achieve that connectivity. He added that once the new bridge is in, they would re-route and have the connectivity there, and advised that the CC's intent is to have a well-maintained corridor. Mayor Leach indicated that the CC want to meet in about two months with Rockville's Town Council and residents who might want to learn more about the plans, and that CC would be working with an engineer. Mayor Leach said the language in the letter wasn't as clear as what she heard in the meeting, and that she felt concerned by that ambiguity. She said our Town Attorney is drafting a new resolution that will hopefully convince CC to rescind their initial resolution. The Mayor cited the inclusion of an incorrect State Code that has nothing to do with roads referenced in it. Her desire that the CC's intentions with Bridge and Grafton Roads and our connector corridor all be very clear in the final written plans. Mayor Leach concluded by saying she felt it would be appropriate to hold a public meeting prior to the approval of any plans to be written into the final resolution.

Michael Evenson asked whether the CC plans were to include the Sheep's Bridge Road, and Mayor Leach stated it was in their plans for Virgin. Michael expressed concern about the use of Bridge Road prior to the completion of the connector corridor, and Mayor Leach cited that Ron Whitehead had agreed that the corridor needed to be built first before any extensive improvements to the rest of Smithsonian Butte. This was seen as good news by the Council, yet Mayor Leach suggested this concern should be included in the resolution. Megan Honer-Orton asserted it would be wise to require CC to specify which roads they're talking about, be they Bridge Road, Grafton Road, or the connector corridor. Mayor Leach concurred with Megan, citing the CC's original map showing the proposed roads of the desired connectivity they want maintained.

Michael Evenson asked whether Bridge Road would be the only outlet prior to the completion of the connector corridor, and Mayor Leach said that detail hadn't yet been discussed but it was her understanding that when we got our connector corridor in, a stop sign would be installed on Grafton Road where it intersected with Smithsonian Butte Rd., and that Smithsonian would be the continuing road for traffic. She added the CC have stated they are willing to be the major promoters of getting our connector corridor done and getting funding for it, since they are aware we are a small town with limited resources. Mayor Leach went on to declare that the CC said in their first meeting that the entire connector corridor was to become a permanent county road. Michael Evenson asked whether the plan was feasible – if engineers could actually do this, and Dan McGuire affirmed that they'd already staked out the route. Mayor Leach added that Rockville asked Lochner Engineering to do a cost estimate, and the proposed new bridge would be of similar length and positioning over the river as the current old bridge. Megan Honer-Orton expressed concern that the connector corridor be in place before the Smithsonian Road goes in, and that all concerns be put in writing. The mayor replied that Attorney Ekins is working on such a draft now. Dan stated we proceed with caution and remain vigilant when working with the CC.

Dan McGuire asked whether much of the land designated for the corridor belongs to the Town of Rockville, and was told yes. Dan then asked why we need a new bridge and was told by the Mayor that there are several reasons, the first being increased traffic from SR9 out to Grafton, Smithsonian Butte, and Gooseberry Mesa for recreational use by tour companies with jeeps and the like which is already becoming problematic. A secondary rationale for installing a new bridge is to help preserve our historic bridge, while providing another bridge that can carry heavier loads facilitating future development projects. Dan then questioned how new development sites would obtain water rights, and Mayor Leach explained just as they're currently done – that you either have the water rights or you don't, and that the State is hard-pressed right now to transfer any water rights into Rockville that don't already exist that might be moved from one location to another. She illustrated by saying that a home building permit cannot be obtained without water, and that water cannot be brought into Rockville from elsewhere, say from a neighboring town like Virgin. It was acknowledged that these are drought-based measures which may not last, and Dan expressed concern about the inevitability of the expansion of homebuilding witnessed along every new road in recent years. Mayor Leach said we still have our zoning, so the

spacing and type of development we allow has not changed. Additionally, water is still required, fire safety and protection and the larger fire engines cannot go across our bridge. These factors would curtail development.

Dan McGuire said the letter from the CC was lacking in specifics. He cited their statement of concern for the preservation of the beauty and integrity of the Rockville Bridge and was dubious of their sincerity. The bridge's ownership was brought up, and no one was certain about that. Dan then mentioned the letter stated they were going to reduce traffic on the bridge, and he wanted to know how, and who would pay for the new bridge, citing his concern we could be required to pay a percentage at some point. Mayor Leach divulged that the County said they were actively seeking funding to build the bridge, improve Sheep Ridge and Smithsonian Butte Roads, and to build our connector corridor. Mayor Leach pointed out that Rockville now has the land thus the right-of-way needed for the corridor. Dan then said it would be helpful to see a plain, unadorned map of the proposed route of the connector corridor. A simple, hand-drawn map with some easy-to-spot reference points would be preferable to a satellite photo-based map. Mayor Leach assured him she could provide him with such a map. Dan stated the CC were specific that Rockville doesn't have any approval authority, and again expressed his concern for our need for getting all our concerns in the form of a written draft when dealing with the CC. The Mayor agreed, and said we were currently working on such a draft which should become part of a resolution. It was agreed that there is a need for the concerns and expectations of Rockville to be included in the public records. Dan suggested our state legislators could be helpful and ought to be contacted and made aware of the dialog between us and the county commissioners. He said the legislators might also have some specific questions too. Mayor Leach revealed she did reach out to UDOT back when all of this started. She said the UDOT representatives she spoke with were surprised at what the CC did without any discussion with Rockville, the representatives confirmed that unfortunately, "these things happen." Michael Evenson said he's concerned about the CC's use of terms like, "intends," "respond to," "will notify," illustrate our inability to control this, and the Mayor agreed we need to be very careful. M. Honer-Orton asked whether the road from Smithsonian Butte to SR9 will be a county road, and if so whether it will be subject to Rockville zoning. Mayor Leach confirmed that it will be a county road and that Rockville's zoning regulations would apply.

Attorney Ekins verified this, then spoke of two takeaways from the meeting he attended with the CC. First, he views the upcoming work meeting as an opportunity to get the community involved, get feedback, voice our concerns, and push the CC to get some verbal commitments. The town should come prepared, be specific in terms of traffic control, and management. He mentioned that the cinder mix improvement to the washboard condition has been completed by the County. Conversations Attorney Ekins held with the Deputy County Attorney and Commissioner Victor Iverson were clear in that their intention is to help improve local, recreational, tourism-tied traffic flow both by Sheep Bridge and the Smithsonian Butte. He went on to mention that while cost-prohibitive, the corridor will at some point be paved. Mayor Leach clarified that "Hot Spot" funds have already been allocated to the transit system, and that Commissioner Iverson would like to see funds reappropriated to these roads. Attorney Ekins added that the CC is lobbying for those financial resources, and stressed again that this work meeting could be a key opportunity to figure out what's going to happen in the interim. It is important to secure some commitments once the new bridge is put in place on the west side of town regarding how things will change in the future. His second observation coming from his meeting with the CC has to do with the county making the designation of road maintenance within Rockville's town boundaries, and especially regarding the old bridge. Specifically, Attorney Ekins asked are there any obligations that Rockville has made in the past that are ongoing that this change and maintenance would impact? How does that affect the allocation for your road maintenance? Attorney Ekins admitted he did not have the answer to these questions.

The Mayor explained she called UDOT on that question and said UDOT was not aware of the county requesting the change of our roads that they've taken over, or of the Class B Road funds being added to theirs. She was told UDOT doesn't scrutinize what's submitted to them for the roads they're getting funds for, and if they have applied for it we're still on the books for those roads being ours and would continue to receive Class B Road funds. Chris Potter of UDOT said we would need to get that squared away, and if necessary, have them taken off our Class B funds. Mayor Leach added that Clerk Bell's rough estimate indicated it could be upwards of a third of our road funds that might be taken from us due to Bridge and portions of Grafton being two income-generating paved roads the county has taken. The Mayor conceded she neglected to ask those questions when they met last with the CC. Attorney Ekins added the State of Utah has designated SR9 as a scenic byway corridor, and that Springdale was instrumental in that. That can be both good and bad. Good, because it brings in funding, and bad in that

it will increase tourist traffic. Attorney Ekins suggested we could leverage that to our advantage, especially from area tourist sites like the Grand Canyon. M. Honer-Orton asked if we've rewritten the joint resolution the way we want it yet, and the Mayor assured her that's what Attorney Ekins's will be doing. As to Megan's concern they might be unwilling to sign it, Attorney Ekins opined they would likely consider it and work with us.

The Mayor concluded the discussion by saying Attorney Ekins will continue to work on his draft resolution and get it to the TC to review. Attorney Ekins said he will integrate the ideas and issues discussed in the commission meeting in his revised draft. The Mayor ended discussion by stating the TC were not approving the CC's letter of intent as being sufficient.

Mayor Leach **MOVED** that we table this item for further discussion pending the revised draft of the resolution from our legal counsel to submit to the county. Dan McGuire **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Pam Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

2. **APPROVAL OF THE MINUTES OF THE FEBRUARY 15, 2023, REGULAR MEETING:** Dan McGuire **MOVED** to approve the minutes from Rockville Town Council Regular Meeting of February 15, 2023. Megan **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Pam Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

3. **APPROVAL OF EXPENDITURES FOR THE MONTH OF FEBRUARY 2023:** Megan Honer-Orton requested clarification regarding the training and education charged to the bank card on February 6th and was told by Clerk Bell it was for the Public Officials Training. Megan then asked if the professional fee for Gallian-Welker was for the mesa subdivision and was told that the majority of it was and that the remainder was for working with the county on the roads resolution. Other minor clarifications were requested and made.

Megan **MOVED** to approve the expenditures of February 2023. Michael **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: Aye
M. Honer-Orton: Aye
Mayor Pam Leach: Aye
Jeff Ballard: Aye

The motion PASSED unanimously.

4. **APPROVAL OF THE FEBRUARY 2023 FINANCIAL STATEMENTS:** Megan **MOVED** for approval of the February 2023 financial statements. Michael **SECONDED** the motion.

VOTE on Motion:

Michael Evenson: Aye
Dan McGuire: 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

MAYOR PAM LEACH – Mayor Leach reminded the Council that our historic bridge will be 100 years old next year in July and she suggested some kind of celebration might be appropriate. March or April was considered since the weather would not be that hot yet, and the influx of tourists would be more manageable. Dan suggested a representative from the State Historical Society be contacted to speak.

The Mayor went on to remind everyone that our Arbor Day event will be postponed until September, the exact date of which has yet to be determined.

Next, Mayor Leach said that the BLM will be doing some clean-up work and grading on Eagle Crags road prior to Allen Lee's delivery of some 70-80 loads of gravel needed for road base. They've contracted with Lee to do this since his trucks are small enough to meet our weight requirement over the bridge. Lee said he is unable to deliver the gravel until the road up there is passable. The BLM Field Manager with whom Mayor Leach spoke was apologetic for the delay in getting started and promised to communicate better in the future. The BLM roads engineer will be talking with Jeff to discuss safety issues. Another concern Mayor Leach discussed with the BLM Field Manager was the inadequate fire rings currently in place at the designated camp sites up on Eagle Crags Trailhead. The BLM representative agreed that the rings should be upgraded to mitigate the potential fire hazard, and said that once fire restriction dates are set she'll look into that. The mayor asked we be kept in the loop on the ring improvement issue since residents who live up there would be put at risk should a fire get out of control due to the difficulty for fire engines accessing that area. The road up to the camping area is currently nearly impassable, and there have been several people getting themselves stuck. Mayor Leach said she asked BLM to install more warning signs.

DAN MCGUIRE – Two questions: first of all, why was the bid for the maintenance shed pushed back? Clerk Bell answered that the contractors wanted to see some plans for the interior of the building and the power plan. She explained that the plans for the interior are done, and that we're now waiting on the power plan from Rocky Mountain. As soon as the power plan is in hand, we can give all that to Rosenberg and the bids will be put back in place with a new closing date. Dan's second question was whether we can mitigate the mud problem on Dennett Lane that's coming off of Pebble Lane. Ideas were discussed, and Jeff suggested a culvert under the road might be considered to allow water and mud to drop off into the wash.

MICHAEL EVENSON – Nothing to report.

MEGAN HONER-ORTON – Megan mentioned the Utah Shakeout Exercise will be April 29th in the park at noon.

JEFF BALLARD – Jeff reported that Brad Quinn finished the rock ditch down at Dennett Lane. It looks good, although additional asphalt will need to be applied. Clerk Bell will remind him the town needs an invoice, and Jeff said he'd like Brad to work on some other areas around town, perhaps next year.

2. STAFF REPORT AS NEEDED: Clerk Bell reported that workers will be here on Monday, March 20 to install new flooring in the apartment downstairs and in the Recreation Hall. Clerk Bell added that the work should be a one-day job.

ADJOURNMENT: Dan MOVED to adjourn the meeting. Michael SECONDED the motion.

VOTE on Motion:

Michael Evenson: Aye

Dan McGuire: Aye

M. Honer-Orton: Aye

Mayor Pam Leach: Aye

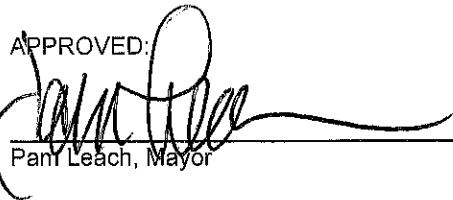
Jeff Ballard: Aye

The motion PASSED unanimously.

The meeting adjourned at 7:03 p.m.

Minutes prepared by
Michael Hatfield,
Deputy Town Clerk

APPROVED:



Pam Leach, Mayor

The foregoing minutes were posted in the foyer cabinet of the Rockville Town Office by Vicki S. Bell at approximately 11:30 AM/PM on 13 April 2023, on Rockville's Website and the Utah Public Notice Website. Posted to Spectrum Events 13 NA.

Vicki S. Bell



**Rockville Town Council
March 15, 2023 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763**

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME	ADDRESS
Lynda Grubbs	33 N. Center
Lyra Stepp	164 E Main St
May Collins	999 W Grafton Rd
Surey Salazar	405 130 E