

Rockville Town Council
PUBLIC HEARING
April 11, 2012
Rockville Community Center

1. **CALL TO ORDER – ROLL CALL** – Mayor Allen Brown called the meeting to order at 6:00 p.m. The following members of the Rockville Town Council were present: Megan Honer-Orton, Jeff Ballard, and Dan McGuire. Pam Leach was excused. See attached list for others present. Town Clerk Elaine Harris recorded the meeting.
2. **PLEDGE OF ALLEGIANCE** – Mayor Brown led the Pledge of Allegiance.
3. **PUBLIC HEARING TO OPEN AND AMEND THE TOWN OF ROCKVILLE 2012 FISCAL BUDGET** – Megan Honer-Orton **MOVED** to open the public hearing. Jeff Ballard **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

There were no public comments or questions.

4. **ADJOURN PUBLIC HEARING** – There were no public comments. Jeff Ballard **MOVED** to close the public hearing regarding the budget. Megan Honer-Orton **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.
5. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM** – Megan Honer-Orton declared a conflict of interest with item number eleven.
6. **PUBLIC COMMENT** – There were no public comments.
7. **REPORT AND ACTION, IF NECESSARY, ON RECOMMENDATIONS OF THE PLANNING COMMISSION – PLANNING COMMISSION CHAIR SHARON HATFIELD** – Chair Hatfield reported that a public hearing had been held by the Planning Commission on the proposed amendments to the Land Use Code. Based on the public comments, two of the proposed amendments were withdrawn from presentation to the Town Council to allow the Planning Commission time to revisit them. The amendments withdrawn were those affecting Section 7.27 and Chapter 10. The Commission voted to recommend that the Town Council approve the proposed amendments to Chapters 9, 26, and 2.

A second public hearing was held by the Planning Commission regarding the Rockville Pipeline Company's rezoning application. There were no public comments. The Planning Commission voted to recommend that the Town Council approve the rezoning application. The Commission also voted to recommend that the zoning map be amended to reflect the change and that \$500 of the \$1,000 fee be waived. In response to a question from Megan, Chair Hatfield outlined the costs associated with a rezoning application.

Chair Hatfield stated some Rockville residents had suggested that Section 7.27, which addresses weed control, is unnecessary. Mayor Brown pointed out that the Town has two properties that have remained overgrown despite efforts to get the owners to clean them up. He believes that the weeds are a fire hazard and must be dealt with. Chair Hatfield agreed, noting that the proposed ordinance would not prevent neighbors from helping each other. It would merely provide a tool for the Town to use to address problems that cannot be solved another way. She also clarified that the Planning Commission had changed the one week notice provision to two weeks. She asked the Town Council members for their input regarding the proposed amendment.

Dan McGuire suggested that approaching the owners personally would be more effective than passing an ordinance. Megan reminded him that there is nothing in the proposed ordinance prohibiting neighborly help. The ordinance would just provide a tool that could be used should the property owner refuse to clear his lot or allow others to do so. Mayor Brown agreed, stating that if all that is required is a simple reminder, nothing more will be done. But in the event a property owner will not act, the Town must have the tools it needs to address and eliminate the hazard.

Dan expressed his opinion that most citizens will not comply with the ordinance because they will not know about it. He also thinks the Town lacks the ability to enforce the ordinance.

Jeff Ballard asked whether the Fire Marshal supports the proposed ordinance. Chair Hatfield reported that, although she has been unable to reach the Fire Marshal for input regarding the specific language of the statute, in the past he has indicated that uncontrolled weeds can present a fire hazard that should be addressed. Dan stated that the Fire Marshal should require the property owners to clear the lot if the conditions present a fire hazard.

Chair Hatfield also noted that the nuisance ordinance allows the Town to require a resident to clean up his property, but it allows three months for compliance. The Planning Commission thinks three months is too long to allow a fire hazard to go unabated, so the new proposed ordinance, which specifically addresses weed control, would require compliance within two weeks.

Mayor Brown agreed that some terms may be subjective. But if the Fire Marshal determines that property conditions create a fire hazard, the Town should be able to act to eliminate the hazard.

- a. ***Action on An Ordinance Amending Rockville's Land Use Code as Recommended by the Planning Commission for Chapters 2 – Definitions, 7 – Supplementary and Qualifying Regulations, 9 – Non-Complying Structures and Non-Conforming Uses, 10 – Off-street Parking Requirements, and 26 – Repealer, Savings Clause, Continuation of Prior Ordinances (to renumber), and 26 – Outdoor Lighting (addition).***

As discussed above, amendments to Chapters 7 and 10 were withdrawn by the Planning Commission. Mayor Brown read the proposed ordinance. Clerk Harris noted that, with respect to the amendment to Chapter 2 – Definitions, the Planning Commission replaced “clutter” with “accumulation” and deleted the word “spill.”

Megan Honer-Orton **MOVED** to approve Ordinance No. 12-0411-1, *An Ordinance Amending Rockville's Land Use Code as Recommended by the Planning Commission for Chapters 2 – Definitions, 10 – Non-Complying Structures and Non-Conforming Uses, and 26 – Repealer, Savings Clause, Continuation of Prior Ordinances (to renumber), and 26 – Outdoor Lighting (addition).* Jeff Ballard **SECONDED** the motion.

Dan expressed his concern about the blanket restriction on aircraft. He disagrees with trying to control everything. He also pointed out that the original outdoor lighting problem arose with just a few properties in Town. The lighting bothered other people, and, as a result, the Town is now considering an expansive outdoor lighting ordinance. He thinks it would be more effective to deal with the specific problems as they arise, rather than regulating everybody.

Rob Snyder explained that three-quarters of the Town's residents expressed a desire for an outdoor lighting ordinance. Accordingly, the Planning Commission drafted the proposed ordinance. He

noted that the ordinance would provide the Town with a tool to address specific problems. Megan pointed out that some of the outdoor lighting created a traffic hazard.

Council Member Ballard suggested limiting the outdoor lighting ordinance to new construction. Owners of established structures could be asked to voluntarily comply. Mayor Brown reminded him that one of the property owners with large outdoor lights has already indicated that he will not voluntarily comply with anything more than what he has already done.

A roll call vote indicated all those present **VOTED** in favor of the motion except Dan McGuire, who voted no.

- b. Action on An Ordinance Rezoning Property Generally Located East of the Rockville Cemetery (owner – Rockville Pipeline Company) from Rural Residential One Acre to Public Use and Property Generally Located on the South Bench (owner – Rockville Pipeline Company) from Open Space 20 Acres to Public Use.**

Dan McGuire **MOVED** to approve Ordinance No. 12-0411-2, *An Ordinance Rezoning Property Generally Located East of the Rockville Cemetery (owner – Rockville Pipeline Company) from Rural Residential One Acre to Public Use and Property Generally Located on the South Bench (owner – Rockville Pipeline Company) from Open Space 20 Acres to Public Use.* Megan Honer-Orton **SECONDED** the motion.

Dan McGuire **MOVED** to waive the reading of the ordinance. Jeff Ballard **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion to waive the reading.

A roll call vote indicated all those present **VOTED** in favor of the motion to approve Ordinance No. 12-0411-2.

- 8. ACTION ON A RESOLUTION TO OPEN AND AMEND THE TOWN OF ROCKVILLE 2012 FISCAL BUDGET** – Mayor Brown pointed out that the Town has received additional revenue from the DeMille Trust and a Lion’s Club grant. He also outlined several expenditures, including participation in the EECBG project, Sesquicentennial Celebration expenses, administration expenses for the DeMille Trust, and creation of the savings fund required by the Community Impact Board.

Megan Honer-Orton **MOVED** to approve Resolution No. 12-0411-1, *A Resolution to Open and Amend the Town of Rockville 2012 Fiscal Budget.* Jeff Ballard **SECONDED** the motion.

Clerk Harris outlined the budget amendments.

A roll call vote indicated all those present **VOTED** in favor of the motion.

- 9. ACTION ON AN ORDINANCE TO DEFINE THE PROCESS TO DISPOSE OF SURPLUS PROPERTY** – Mayor Brown generally explained the ordinance, which will apply to assets worth more than \$5,000.

Megan Honer-Orton **MOVED** to approve Ordinance No. 12-0411-3, *An Ordinance to Define the Process to Dispose of Surplus Property.* Dan McGuire **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

10. **ACTION ON A RESOLUTION TO DECLARE SURPLUS PROPERTY AND SELL THE SAME** – Mayor Brown read the resolution, which declares the Kubota tractor surplus and authorizes the Town to sell it to the Rockville Pipeline Company.

Dan McGuire **MOVED** to approve Resolution No. 12-0411-2, *A Resolution to Declare Surplus Property and Sell the Same*. Jeff Ballard **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

11. **DISCUSSION AND POSSIBLE ACTION REGARDING QUALIFICATIONS FOR FREE USE OF THE COMMUNITY CENTER** – Mayor Brown noted that this item was tabled at the March Town Council meeting to allow the entire Council to consider it. Although Pam is not in attendance, she provided her written comments regarding the item to Clerk Harris.

Dan asked generally about written comments. He indicated that he had provided some written comments at the March meeting, but those comments were not reflected in the minutes. Clerk Harris stated that if the notes are read into the record, they will appear in the minutes. She does not recall getting a copy of Dan's comments.

Dan McGuire **MOVED** to activate the item, which was tabled at the March 13, 2012 meeting. Megan Honer-Orton **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

Megan explained that she and a group of community residents had asked to use the Community Center to conduct political meetings. The group does not have the funds to pay for use of the Community Center, so it asked for a fee waiver. The policy allows fee waivers for groups that benefit the community, but it is unclear whether such a political group directly benefits the community. Megan argued that an active political group benefits the community and, therefore, should qualify for a fee waiver.

Mayor Brown stated that the policy allows fee waivers for the PTA, the library people, and major political parties. Although he encourages formation of an open forum where all opinions can be presented, he hesitates to allow free use to single political candidates for campaign purposes.

Dan suggested that the Community Center should foster harmony with its activities. The focus should be on entertainment, education, enlightenment, exercise, and avoiding all activities that may cause contention. He believes that groups should maintain a non-controversial protocol to qualify for a fee waiver.

Clerk Harris explained that the Town is legally required to provide free access to the Community Center for organized political parties. Megan explained that her movement is organized, but not in a traditional sense. Mayor Brown clarified that the group is a grass roots political action group. Dan pointed out that the group is also controversial, with a reputation for violence. Mayor Brown reminded him that the group asked to use the Community Center for an organizational meeting, not a rally.

Clerk Harris read Pam's comments. Pam indicated that the policy allows a fee waiver for non-profit groups that directly benefit the community. She does not think that political action groups directly benefit the community. She is concerned that allowing one group free access to the Center will open the door to other political groups. Megan pointed out that the door is already open to political groups, since free access must be provided to all organized political parties.

Dan clarified that if the group pays the fee, it may use the Center. He does not object to allowing the group to use the Center for free, since it is already entitled to use the Center.

Mayor Brown stated that he will vote with the community as the Center belongs to the residents. However, if the Occupy group is permitted a fee waiver, other groups should be similarly accommodated.

Ms. Julie McKown, a Rockville resident, addressed the Council. She agreed that if the Occupy group is permitted a fee waiver, other groups should be granted similar privileges. She asked if the park gazebo may be used without charge. Clerk Harris acknowledged that it can, unless the group wants to reserve it. There is a small fee to reserve the park.

Mayor Brown does not want to amend the policy to be more specific. He believes that an organizational meeting would qualify as benefiting the community, but rallies and other types of protest would not. Council Members McGuire and Ballard agreed. The Council agreed to the fee waiver.

Megan assured the Council that the group does not have any rallies planned.

12. **DISCUSSION REGARDING MAINTENANCE OF THE TOWN DITCH** – Clerk Harris read a section of the Utah Code establishing the Town’s right to regulate the maintenance and cleaning of streets, alleys, crosswalks, sidewalks, parks, and public grounds. Mayor Brown suggested sending letters to the residents of Main Street, reminding them to clean the rocks and leaves from the ditch in front of their property. Dan suggested including a reminder in the billing from the ditch company.

Megan stated that UDOT had agreed to clear the north side of the ditch. Clerk Harris pointed out that UDOT cuts the weeds down, but it will not clean out the mud or grass. Dan stated that UDOT has promised to do more work just prior to the Town’s Sesquicentennial Celebration. Megan also pointed out that the statute requires property owners to keep their sidewalks clear.

13. **DISCUSSION REGARDING A RADAR SPEED SIGN** – Mayor Brown suggested purchasing a mobile sign with Springdale. Dan indicated that grant money may be available to allow the Town to purchase a traffic control sign. He reported that he has contacted a sign company and would like to table the issue until he can obtain information regarding options and prices.

Clerk Harris read Pam’s written comments. Pam thinks a radar speed sign would be very expensive. In addition to the initial purchase price, the sign will require maintenance. She thinks borrowing a sign is a better option, given the Town’s limited budget. She also suggested increasing police presence in the early morning and late evenings.

Dan has received positive feedback from residents regarding the radar sign’s effectiveness.

14. **PROCLAMATION TO DECLARE MAY 19, 2012 AS ARBOR DAY FOR THE TOWN OF ROCKVILLE** – Megan Honer-Orton **MOVED** to approve the proclamation. Jeff Ballard **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

Dan suggested replacing the tree that was recently removed due to disease. Megan reminded the Council that the Pie in the Park event will also be held that day.

15. APPROVAL OF EXPENDITURES FOR THE MONTH OF MARCH 2012 – TOWN

CLERK – Megan asked about the \$1,228.40 paid to the Kenworthy Monument Company. Clerk Harris explained that the expense was for the Town's new road signs. Dan also noted that the cost for the Sesquicentennial mugs was \$741, which was slightly more than he expected.

Megan Honor-Orton **MOVED** to approve the expenditures for the month of March 2012. Jeff Ballard **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

16. APPROVAL OF THE MINUTES OF THE MARCH 14, 2012 TOWN COUNCIL REGULAR

MEETING – Jeff Ballard **MOVED** to approve the minutes of the March 14, 2012 Town Council Regular Meeting, as written. Megan Honer-Orton **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

17. MAYOR AND TOWN COUNCIL MEMBER REPORTS AND COMMENTS

Jeff Ballard reported that he has installed most of the Town's new street signs. He also moved most of the concrete at the cemetery to Leon Lewis's property. Mr. Lewis has obtained a permit from the Corps of Engineers to reuse the material to reinforce a berm. Mayor Brown added that the BLM has posted signs at both ends of Smithsonian Butte Road; however, there is still camping at Horse Valley Wash. Mayor Brown is unsure whether that property is privately owned or if it is BLM land.

Megan Honer-Orton reported that the EECBG grant has been completed, leaving a balance of \$813. If the Town does not use the money, it will revert to the State's budget. The Council members discussed ways to use the money. Megan has inquired about grant money to install a solar array. She also noted that the CERT team will need additional funds to convert the gas generator to propane. The gas generator is difficult to work with, because the gasoline goes bad before it can be used. The team also needs to replace some tires that keep going flat. She estimates that the project can be completed for \$400 and she has asked Springdale to contribute \$200. Megan also stated that the sidewalk repairman will be inspecting and grinding the sidewalks within a month. The estimated cost of replacing crushed sidewalks in Town is \$7,230. That amount would include six-inch slabs, but not reinforcement, such as rebar or mesh.

Dan McGuire contacted IHC about community information regarding a pandemic. IHC provided him with a box of informational packets. He suggested storing the literature in the closet with the other emergency materials. Dan also reported that he thanked the Chief of the Rockville/Springdale Fire Protection District for the quick response and resolution of the recent structure fire in Rockville. During the recent Board Meeting of the District, the Chief identified some areas where fire equipment should be upgraded. Dan also noted that the Fire District has been training with the National Park Service. Additionally, the hospital staff at Dixie Regional Medical Center has commended the Rockville/Springdale EMTs for their professionalism. Dan asked to be appointed Chairman of the Tree Board, since no one else wants to do the required paperwork. He also reported that Rockville's Tree City certification has been renewed.

Mayor Brown discussed his budget priorities, including continued improvement of the Community Center and public safety. He also inquired as to the progress of the Eagle Crags Road maintenance. Jeff stated that Mr. Allen Lee has been contacted, but he has not yet completed the work. The Council members discussed the work to be done. Dan raised the issue of resurfacing the bridge.

Mayor Brown indicated that Rosenberg and Associates is waiting for the UDOT bridge engineer's report. Once it receives the report, Rosenberg will provide information about bridge maintenance and repair. The Town could then apply for grants and other funding to pay for the repairs.

Mayor Brown also noted that there will be approximately 20 controlled burn sites on Kolob. He also reported that the Town has invited Leon and Warda Lewis to represent the Town as the Grand Marshals for the Washington County Fair. Bob and Mary Cox will be the pioneer family representing the Town. Additionally, the County has asked for enough information promoting Rockville to fill two pages in the fair magazine. Dan suggested that the Sesquicentennial Committee members may be able to gather the information for the County. He will contact the committee members.

Mayor Brown reported that the Town has opened the Deputy Clerk position and Council members were invited to review the application form. The position will be open for two weeks. Mayor Brown also stated that the Town has received a letter from Senator Hatch, indicating that he wants the federal government to release its land in Utah. Mayor Brown believes that Senator Hatch intends to introduce coal mining in the Grand Staircase area.

In March, Mayor Brown went to the UDOT annual visit. He displayed a map showing the roads UDOT intends to construct and improve in the region. Mayor Brown also reported that he has been notified that additional tower construction is taking place on the South Mesa. Since the County is using Eagle Crags Road, he thinks the Town would be justified in asking for County road funds to maintain it. Jeff noted that he has tried to contact other businesses that use the road, such as Verizon, but no one would return his calls.

Megan suggested compensating Karen for the cleaning she had to do as a result of the air conditioning installation. In addition to the cleaning, Karen was unable to live in the apartment for two weeks because of the gasses generated by the installation. Megan suggested paying her \$240, which could be deducted from the rent. Mayor Brown agreed, noting that dust is pervasive during remodeling. Dan suggested deducting the rent by \$275, which is exactly 50%. The Council members agreed. Megan also noted that the duct work is unattractive, and the Town should plan to enclose it.

18. **TOWN BUSINESS** – Clerk Harris reminded the Town Council members to provide any newsletter articles to her by May 1, 2012. Mayor Brown agreed to write about the sidewalk and ditch clean up. A budget work meeting was scheduled for 4:00 p.m. on April 19 at the Community Center. Clerk Harris also noted that she received some excellent suggestions regarding the Deputy Clerk job description. The changes were not substantive, so there is no need for an amending resolution. She reported that Eric Brantley donated his assistance with the gutter preparation. Clerk Harris expressed her appreciation for Mr. Brantley's work, as he is very knowledgeable. Mayor Brown suggested sending him a thank-you letter.

Dan complained of being swamped by the paper generated by the Planning Commission. He suggested making an effort to reduce paper waste. Clerk Harris explained that the Planning Commission is trying to keep the Town Council in the loop with respect to drafts of proposed ordinance amendments. Mayor Brown asked for an outline of the Planning Commission's plans for the next three months. Dan and Megan discussed the purpose of the Planning Commission.

19. **ADJOURN** – Jeff Ballard **MOVED** to adjourn. Megan Honer-Orton **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

The meeting adjourned at 8:25 p.m.

Minutes prepared by:
Teri Forbes, Owner
T Forbes Group