

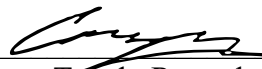
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, December 14, 2023, at the Millville City Office, 510 East 300 South in Millville, Utah, at 7:00 p.m.

1. Call to Order / Roll Call – Mayor Hair
2. Opening Remarks / Pledge of Allegiance – Councilmember Wilker
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – November 9, 2023
5. Agenda Items—
 - A. Public comment period (2 min/person)
 - B. Report on P&Z Meetings held November 16, 2023 & December 7, 2023 – Development Coordinator Everton
 - C. Consideration of Resolution Adopting 2023 Impact Fee Report – Recorder Twedt
 - D. Consideration of a resolution appointing Lieren Hansen as the Millville City representative on the Cache Valley Transit District Board – Mayor Hair
 - E. Consideration of a resolution to adopt updates to Millville Park Use Policy – Recorder Twedt
 - F. Green waste collection – Mayor Hair
 - G. Discussion on illegal subdivisions – Recorder Twedt
 - H. Fees for residents that are only in their homes a portion of the year – Mayor Hair
 - I. Setting of the 2024 annual meeting schedule – Mayor Hair
 - J. Request for Millville to provide hot chocolate and cups for caroling at the cemetery – Recorder Twedt
 - K. Set dates for City recreation activities for 2024 – Mayor Hair
 - L. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - M. Councilmember reports and other items for future agendas
6. Adjournment.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Corey Twedt at (435) 881-2669 at least three days prior to the meeting.

This agenda was posted on December 11, 2023, to the City posting locations, the City Website, and the Utah Public Meeting Notices Website.



Corey Twedt, Recorder

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
November 9, 2023

PRESENT: David Hair, Daniel Grange, Pamela June, Ryan Zollinger, Jeremy Ward, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Roxie Hancey, Kora Hancey, Todd Lundahl, Teresa Lundahl, Gary Stringham

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for November 9, 2023, at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Jeremy Ward and Ryan Zollinger were in attendance with Councilmember Daniel Grange to arrive shortly and Councilmember Clay Wilker absent.

Opening remarks/Pledge of Allegiance

Councilmember Zollinger welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. He then offered a word of prayer.

Approval of agenda

The agenda for the City Council Meeting of November 9, 2023, was reviewed.

Councilmember Ward motioned to approve the agenda for November 9, 2023.

Councilmember June seconded. Councilmembers Ward, June, and Zollinger voted yes with Councilmember Grange to arrive shortly and Councilmember Wilker absent. (A copy of the agenda is included as Attachment “A”.)

Councilmember Grange arrived at this time.

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting for October 12, 2023.

Councilmember June moved to approve the minutes for October 12, 2023.

Councilmember Ward seconded. Mayor Hair pointed out two minor corrections that were made. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent.

City Christmas Celebration discussion

Roxie Hancey is a Millville City Youth Council (MCYC) advisor. She said that the Youth Council is no longer using the Christmas celebration as a fundraiser. There is currently \$400 allocated in the budget to cover the cost of the Christmas Celebration. This covers the

cost for Santa to be there and some small treats for children. Roxie requested an additional \$600 be provided for this activity so that they could bring donuts and hot chocolate as well.

Mayor Hair asked if the Youth Council was doing other fundraising activities. Roxie said that they were.

Recorder Twedt said that this budget item was in the same account used to cover the cost of the City Celebration in June. Assuming the City did something like last year and did not pay for a meal at the City Celebration, there was money in that budget item that could be shifted to the Christmas Celebration.

The consensus of the Council was to shift an additional \$600 to the Christmas Celebration from the City Celebration in the budget.

Public comment period

Mayor Hair opened the floor for any public comments. No one signed up for the public comment portion of the meeting.

Report on P&Z Meetings held October 19, 2023, and November 2, 2023

Development Coordinator Everton reviewed with the Council the Planning Commission's draft minutes for the meetings held on October 19, 2023, and November 2, 2023.

Review of 2023 Business Licenses for 2024 renewals

Recorder Twedt reviewed the list of business licenses currently active and asked the City Council if it was okay to send 2024 renewal letters to everyone on the list. The consensus of the Council was to issue renewal notices to all current businesses on the list. (The related staff report is included with the minutes as Attachment "B".)

PUBLIC HEARING

Councilmember Grange motioned to go into the public hearing. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent.

PUBLIC HEARING: 7:15 p.m.

PRESENT: David Hair, Daniel Grange, Pamela June, Ryan Zollinger, Jeremy Ward, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Todd Lundahl, Teresa Lundahl, Gary Stringham

Mayor Hair explained that the purpose of the public hearing was to hear feedback regarding the proposed Cold Storage Annexation on the southeast side of Millville City.

Public Comment:

There were no public comments.

Councilmember Zollinger moved to close the public hearing. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent.

Consideration of an ordinance accepting the Cold Storage Annexation

Mayor Hair reviewed with the Council the ordinance to accept the Cold Storage Annexation to be zoned as Residential (R3).

Councilmember Grange motioned to approve Ordinance 2023-9. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent. (The approved ordinance is included with the minutes as Attachment “C”).

Consideration of a resolution adopting a computer usage policy and a travel policy

Recorder Twedt explained that as part of the Fraud Risk Assessment that is required yearly by the Utah State Auditor, there is a score sheet that affects some of the insurance options available to the City. Some of the policies listed on the Fraud Risk Assessment have not been developed or adopted by Millville City, because they just haven’t been needed for a city and staff of this size. Now, with insurance policies dependent on the scoring, it makes sense to adopt some more policies so that we can get a higher scoring. It also seems reasonable to have these policies in place anyway. Even with our small staff.

Recorder Twedt said that he has looked at what other cities have as far as travel and computer policies and has put together some similar policies for Millville City.

Councilmember Ward motioned to approve Resolution 2023-26. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent. (The approved resolution is included with the minutes as Attachment “D”).

Consideration of a resolution accepting the Millville FY23 Fraud Risk Assessment

Mayor Hair reviewed the Fraud Risk Assessment with the Council.

Councilmember Zollinger moved to approve Resolution 2023-27. Councilmember June seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent. (The approved resolution is included with the minutes as Attachment “E”).

Consultant agreement for help with subdivision code changes to comply with SB174

Recorder Twedt said that the Utah State Legislature had passed Senate Bill 174 in 2023 which will require all cities to modify their subdivision code. The State has allocated funding to help cities do this by the deadlines listed in the State Code. For Millville, the deadline is December 31, 2024. Recorder Twedt said that he and Development Coordinator Everton had met with a consultant who is approved by the State to assist cities with this work. There will be no cost for these consulting services to Millville City. The Memorandum of Understanding is needed to lock down our spot with this consultant and get on the schedule to work through these changes.

Councilmember June wanted to ensure the City would still go through the normal internal review process for adopting changes to this portion of the Code. Recorder Twedt said that nothing had changed in that regard. The code revisions would still go before P&Z and a public hearing would be held prior to final adoption by the City Council.

Councilmember Zollinger motioned to approve the MOU for consulting services to update the Millville City subdivision code to be compliant with SB174.

Councilmember Ward seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent. (A copy of the Memorandum of Understanding is included with the minutes as Attachment "F".)

Fees for residents who are only in their homes for a portion of the year

Mayor Hair briefly discussed the rates for utility fees that some neighboring cities charge if residents are not in their homes for several months of the year. He asked that the City Council review this new data and that the topic be added to the next City Council agenda for additional discussion.

Winter Parking

Mayor Hair said that as of November 1st, the winter parking restrictions were now in effect. Recorder Twedt reported that the Sheriff's Department was aware of the code and would likely be issuing tickets. It was discussed that if there are specific issues related to violation of this policy, the City Council would be reaching out directly to the deputies to ask that they issue tickets.

City Reports

Director of Public Works Chad Kendrick reported that the Public Works Department is focused on getting things cleaned up and prepared for winter. He also discussed the progress on the sewer project and focus areas of improvement for Whitaker Construction. Councilmember Zollinger asked that it be stressed that they pay a little more attention to the shoulders along the roads after filling in sewer trenches.

Director Kendrick talked about the requirements from the State to report on any lead water service lines in Millville City. He discussed how the City is going about trying to identify the material of our service lines and figure out if there are any made of lead.

Director Kendrick said that he had spoken with a local locksmith about trying to gain access to the old City safe in the museum since we don't really know what, if anything, is in there. They said they would need to drill the lock to be able to break into it. The consensus of the Council was to go ahead and get this done.

Mayor Hair said that there are some issues with some of the trees at the North Park and a few trees that should likely be replaced when the budget allows. Recorder Twedt said that they could look into suitable replacements and see if it made sense to do this when they work on installing lights at the tennis courts.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment "G".)

Councilmember June said that in Planning and Zoning, there had been a discussion about a home in Mond-Aire that had built a shed too close to the boundary line and that it may be obstructing vision from passing cars since the lot sits on a curve in the road. There was some discussion of whether this was a corner lot since it was not at the intersection of two roads. Mayor Hair said that he would go and look at it and report back if he thought there was an issue. Councilmember Zollinger proposed that they put a notice in the newsletter inviting residents to reach out to staff before building something to make sure even small construction projects are done in compliance with City Code. The consequence of not doing so may lead to them having to move something or tear it down.

Recorder Twedt reminded the Council of the combined work session with Planning and Zoning on Thursday the 16th at 6:30 p.m.

Recorder Twedt said that there is a UDOT grant available that the City could potentially use for help to fund a new General Plan. He said he would be working on that grant application next week.

Recorder Twedt said that a representative from Nibley recreation called him this morning. They are looking at doing some kind of indoor recreation center in Nibley and are sending out a survey to Nibley residents on what they are interested in for this type of facility. They would like to also have their consultant send that survey to Millville residents to gather their input as well. The Council was okay with Millville participation in the survey if

Nibley did not make implications that Millville residents would necessarily have access since that was still undetermined.

Adjournment

Councilmember Ward moved to adjourn the meeting. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker absent. The meeting adjourned at 8:20 p.m.

DRAFT

MILLVILLE PLANNING COMMISSION MEETING
City Hall - 510 East 300 South - Millville, Utah
November 16, 2023

PRESENT: Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, Matt Anderson, Kara Everton, Pam June, Colby Martin, Luis & Kim Vargus

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for November 16, 2023, at 8:05 pm. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, and Matt Anderson were present. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Dickey moved to approve the agenda for November 16, 2023, with the changes.** Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, and Matt Anderson voted in favor.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the minutes for the Planning Commission Meeting for November 2, 2023. **Commissioner Anderson moved to approve the minutes.** Commissioner Lewis seconded. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, and Matt Anderson voted in favor.

5.A. Zoning Clearance- Accessory Building Luis & Kim Vargas at 235 S 300 E.

Luis & Kim Vargas were present. The commission reviewed the plans. There will be no power initially. Homeowner asked how to get an inspection when electrical is installed. In the future, when electrical is installed, the homeowners would need to go through the county to get it inspected. Commissioner Greenhalgh suggested installing the line and box initially to prepare for future electrical.

Commissioner Anderson moved to approve the Zoning Clearance for the accessory

building Luis & Kim Vargas at 235 S 300 E, Millville. Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, and Matt Anderson voted in favor.

5.B. Zoning Clearance for a Deck Addition for Colby Martin at 285 N 300 E.

This was reviewed in a previous meeting but was denied due to the structural posts being within the setback guides. Colby had the re-engineered to cantilever the deck and have the posts meet the setbacks. The stairs do not have a footing and are not structural.

Commissioner Thompson moved to approve the Zoning Clearance for Deck Addition for Colby Martin at 285 N 300 E. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Bonnie Farmer, Darcy Ripplinger, and Matt Anderson voted in favor.

5.C. Other

- Jeremy Jensen is asking about the process to be able to install a connector road that was on the approved conceptual design for the Millville Escape Subdivision that would connect the phase of Providence to the future phase in Millville. The plans show the road would meet Millville standards, but they would like approval to just lay 24' of asphalt.

For this road, we would require an agreement between the two cities to sign stating that Providence will perform maintenance on that road until the subdivision in Millville is completed, as well as the understanding that this is a temporary road, and when the Millville phase is developed, it needs to meet our road standards at the time. Private road on private property for temporary use.

6. City Council Minutes – November 9, 2023

7. Agenda Items/Notes for Next Meeting

- Multi-family housing future development conversation

8. Calendaring of future Planning Commission Meeting

- December 7, 2023, at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at approximately 8:48 p.m.

MILLVILLE PLANNING COMMISSION MEETING
City Hall - 510 East 300 South - Millville, Utah
December 7, 2023

PRESENT: Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Darcy Ripplinger, Matt Anderson, Kara Everton, Tara Hobbs, Pam June, Gary Stauffer, Gary Gettman, Lisa Haymore, Scott Stauffer

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for December 7, 2023, at 8:01 pm. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Darcy Ripplinger, and Matt Anderson were present. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Thompson moved to approve the agenda for December 7, 2023.** Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Darcy Ripplinger, and Matt Anderson voted in favor.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the minutes for the City Work Meeting and Planning Commission Meeting for November 16, 2023. **Commissioner Ripplinger moved to approve the minutes for both meetings.** Commissioner Dickey seconded.

Commissioners Garrett Greenhalgh, Lynette Dickey, Rachel Thompson, Larry Lewis, Darcy Ripplinger, and Matt Anderson voted in favor.

5.A. Preliminary Plat Design- Stauffer Subdivision- 750 N Main Street, Millville

Our engineers have reviewed everything and has been approved to this point. The sewer line will go west down the private lane and connect at that location. At a previous city council meeting Chad Kendrick said he was going to investigate the cost of the line, and Gary is waiting to hear back. The road is the width of 66' with swales on each side. Commissioner Ripplinger asked about the number of lots in the subdivision. Gary Gettman wanted to make a point in the official record about the previous discussion at a city council meeting. The sewer originally was going to go as far north as 750 North Main Street, but now it is only going as far as Lot 2 in the 700 North Subdivision which is Gary

Gettman's Lot 1 in the 700 North Subdivision. Gary is asking if running a lateral from the Stauffer Subdivision's sewer line to Lot 2 of his subdivision is the direction the city would suggest and if the city will provide that line.

The commission reviewed the Preliminary Plat and agreed to have the Stauffer Subdivision move forward to the Final Plat Phase.

5.B. Discussion cont'd from work meeting on Heritage Development

Commissioner Greenhalgh gave a recap on this development location, and asked the commission to consider if Millville wants multi-family in the city limits and if this location is where we want it.

Commissioner Thompson stated that Providence and Nibley are loaded up with people and multi-family and that Millville doesn't need to fulfill that obligation. Commissioner Ripplinger stated the proximity to other multi-family developments in other cities makes it so we don't need to have it. Commissioner Anderson said that if utilities were available, the commercial development could have already begun.

Commissioner Greenhalgh reminded the commission of what Recorder Twedt stated about the pros and cons regarding financial benefits. Commissioner Ripplinger asked the commission to give a 'thumbs up' or 'thumbs down' as far as the current feeling of a multi-family development. Commissioner Lewis stated that he would still like to see more commercial development. Commissioner Anderson said that this his opinion changes day by day, hour by hour.

Commissioner Greenhalgh asked if an option would be to consider duplexes to be closer together. Commissioner Anderson indicated that he sees the benefit of four-plex's and could see that type of development here. He had looked up what some surrounding cities definitions were. Logan City has medium mixed-residential defined as 9 to 75 units per acre. Currently, Millville City has 3 units per acre in varying ways.

Treasurer Tara Hobbs mentioned that police are called more frequently into higher density locations around the valley.

Commissioner Anderson stated that a four-plex seems like a better solution that would fit with Millville. Commissioner Lewis agreed. Commissioner Thompson said that with so many locations available throughout the valley, Millville City doesn't need to provide that type of housing. Commissioner Greenhalgh asked if a different type of development such as a retirement community or an assisted living development would work that has an HOA to maintain the property.

Commissioner Greenhalgh asked if there was anything else that the city would like to see at that location. Discussion ensued with different options in that area, and it was determined that multi-family housing is not necessary within the city limits of Millville City.

Some options the commission would consider as higher density housing would be quarter acre lots, retirement communities, or assisted living communities. The Town Center code was brought up and the list of permitted and non-permitted uses were reviewed. A suggestion of moving the town center zoning further east was discussed. A review of the commercial general code was briefly reviewed.

5.C. Other

- There's a property on 110 S 100 E that has a steel building going up. It looks like it may be an addition to the current building, but it has not come before the planning & zoning commission for review. Development Coordinator will speak with the county building department.
- Someone called this week asking about the property for sale along the highway and 550 North. He is interested in it and asked some questions regarding options for an event center. The commission briefly discussed. The representative will be back on the 21st to speak more on it.

6. City Council Minutes – N/A

7. Agenda Items/Notes for Next Meeting

8. Calendaring of future Planning Commission Meeting - December 21, 2023, at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at approximately 9:27 p.m.



AGENDA REPORT: IMPACT FEE REPORT

December 14, 2023

Background

State law requires the City to report on impact fees annually to the Utah State Auditor. We track impact fee revenue and expenses each year and plan how that money will be spent in upcoming years.

Included Documents

- Report showing impact fees collected in FY23
- Resolution 2023-28 – Impact Fee Report

City of Millville
Transaction Detail By Account
July 2017 through June 2018

IMPACT FEES COLLECTED

Date	Payor Names	Acct	Acct	Acct	Acct
		20-4973	30-4977	10-4610	10-4591
		Water	Sewer	Park	Roads
09/06/2022	MATT ANDERSON	\$ 3,050.00	0.00	1,630.00	1,760.00
09/06/2022	MATT ANDERSON	3,050.00	0.00	1,630.00	1,760.00
09/22/2022	CATHY ANDERSON	3,050.00	0.00	5,330.00	1,760.00
10/06/2022	MATTHEW HEDELIUS	3,050.00	0.00	5,330.00	1,760.00
10/07/2022	TYLER GESSEL & ROB LYER	3,050.00	0.00	5,330.00	1,760.00
10/24/2022	MIKE ANDERSON	3,050.00	0.00	5,330.00	1,760.00
11/09/2022	JORDAN CHRISTENSEN BY IMMACULATE	3,050.00	0.00	5,330.00	1,760.00
02/06/2023	JARED CAMPBELL	3,050.00	8,760.00	5,330.00	1,760.00
05/11/2023	McCULLOUGH HOME BY IMMACULATE	3,050.00	8,760.00	5,330.00	1,760.00
06/27/2023	BRADLEY GIBBONS	3,050.00	8,760.00	5,330.00	1,760.00
TOTAL		\$ 30,500.00	26,280.00	45,900.00	17,600.00

**MILLVILLE CITY
RESOLUTION 2023-28**

IMPACT FEE CERTIFICATION

WHEREAS, the Utah State Code in section 11-36-301 requires an annual report to be submitted to the Utah State Auditor with regard to Impact Fees collected, budgeted, and expended; and

WHEREAS, the Millville City Council has evaluated the capital projects and monies received and reviewed the documentation presented;

NOW THEREFORE, be it resolved by the Millville City Council that the attached report be adopted as the 2023 Millville City Impact Fee Report.

Passed and approved by the Millville City Council this 14th day of December 2023.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Jeremy Ward				
Daniel Grange				
Clay G. Wilker				
Pamela June				
Ryan Zollinger				

Millville City
Impact Fee Schedule
Fiscal Year Ended June 30, 2023

Projects From Which Funds Were Collected	<u>Parks</u>	<u>Roads</u>	<u>Sewer</u>	<u>Water</u>	<u>TOTAL</u>
FY2017 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 13,170	\$ -	\$ -	\$ 13,170
FY2018 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 45,178	\$ -	\$ -	\$ 45,178
FY2019 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 49,685	\$ -	\$ -	\$ 49,685
FY2020 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 31,380	\$ -	\$ -	\$ 31,380
FY2021 - Unspent Impact Fees Collected and Interest Income	\$ 74,272	\$ 32,557	\$ -	\$ -	\$ 106,829
FY2022 - Unspent Impact Fees Collected and Interest Income	\$ 43,448	\$ 16,754	\$ -	\$ -	\$ 60,202
FY2023 - Unspent Impact Fees Collected	\$ 45,900	\$ 17,600	\$ 26,280	\$ 30,500	\$ 120,280
FY2023 - Interest Income	\$ 3,822	\$ 6,090	\$ -	\$ -	\$ 9,912
<i>Subtotal</i>	\$ 167,442	\$ 212,414	\$ 26,280	\$ 30,500	\$ 436,636
Park impact fees spent - South Park parking lot resurface	\$ (57,945)	\$ -	\$ -	\$ -	\$ (57,945)
Park impact fees spent - South Park playground woodchips	\$ (10,315)	\$ -	\$ -	\$ -	\$ (10,315)
Road impact fees spent - South Park parking lot roadway resurface	\$ -	\$ (56,999)	\$ -	\$ -	\$ (56,999)
Road impact fees spent - 300 S to Highway connector design	\$ -	\$ (9,351)	\$ -	\$ -	\$ (9,351)
Sewer impact fees spent on citywide sewer installation	\$ -	\$ -	\$ (26,280)	\$ -	\$ (26,280)
Water impact fees spent on principal and interest payments for the bonds for 2006 Reservoir and 2022 Well Projects	\$ -	\$ -	\$ -	\$ (30,500)	\$ (30,500)
<i>Total Impact Fees and Interest on Hand at June 30, 2023</i>	<u>\$ 99,182</u>	<u>\$ 146,064</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 245,246</u>

Future Expected Expenditures of Impact Fees on Hand by Project by Fee Type	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>TOTAL</u>
Park Expenditures					
Tennis court lights	\$ 10,300	\$ -	\$ -	\$ -	\$ 10,300
Future park infrastructure	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000
	<u>\$ 10,300</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 100,000</u>	<u>\$ 110,300</u>
Road Expenditures					
City portion of 300 S to Nibley 3200 S project	\$ 21,000	\$ -	\$ -	\$ -	\$ 21,000
Repair roads after sewer install completion	\$ -	\$ 125,000	\$ -	\$ -	\$ 125,000
	<u>\$ 21,000</u>	<u>\$ 125,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 146,000</u>
Sewer Expenditures					
Bond payments for sewer installation bonds	\$ -	\$ -	\$ -	\$ -	\$ -
Water Expenditures					
Bond payments for 2006 Reservoir and 2022 Well Projects	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Impact Fees Projected for Expenditures</i>	<u>\$ 31,300</u>	<u>\$ 125,000</u>	<u>\$ -</u>	<u>\$ 100,000</u>	<u>\$ 256,300</u>



AGENDA REPORT: CVTD BOARD REPRESENTATIVE

December 14, 2023

Background

Lieren Hansen is a Millville resident and has been serving as the Millville representative on the Cache Valley Transit District (CVTD) Board of Trustees for the past few years. Lieren is very familiar with CVTD and has been diligent in attending the meetings and representing Millville City.

It is time to appoint a new representative or renew the appointment for Lieren Hansen to continue serving in this capacity. Hyrum City now shares a spot for a single person to represent both cities and would like to have Lieren continue to serve on the board, now representing both cities.

The proposed resolution would appoint Lieren Hansen to continue serving as the Millville representative on the CVTD Board of Trustees. The recommendation of staff is to approve the resolution.

Included Document

- Resolution 2023-29

**MILLVILLE CITY
RESOLUTION 2023-29**

**APPOINTMENT OF MILLVILLE REPRESENTATIVE TO SERVE ON THE
CACHE VALLEY TRANSIT DISTRICT BOARD**

WHEREAS, the Cache Valley Transit District operates in its own right and authority and exercises jurisdiction without being restricted to municipal corporate or county limits, governed by representatives of the governmental units lying with the districts; and

WHEREAS, it has become necessary for Millville City to appoint a representative to the Cache Valley Transit District Board of Trustees to represent Millville City and Hyrum City;

THEREFORE, BE IT RESOLVED that Millville City appoints Lieren Hansen to serve on Cache Valley Transit District Board.

Approved and passed by the Millville City Council this 14th day of December 2023.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Jeremy Ward				
Daniel Grange				
Clay G. Wilker				
Pamela June				
Ryan Zollinger				



AGENDA REPORT: PARKS USE POLICY

December 14, 2023

Background

The proposed resolution would modify the reservation forms for park pavilions. We have had some issues lately with damage and abuse of the pavilions. The existing parks policy states that the hours for the pavilion rental ends at 10 p.m. and that no alcohol consumptions is permitted in the pavilions. We are just wanting to add those things specifically to the page that the renter signs so that it is very clear that if the policy is not followed, they will not get their deposit back.

We think that making these regulations very clear and then holding deposits if not followed will be the best way to try and fix the issues we are having.

Included Document

- Resolution 2023-30 including marked-up changes on reservation forms

**MILLVILLE CITY
RESOLUTION 2023-20**

**ADOPTING THE MILLVILLE CITY PARKS USAGE AND RESERVATION
POLICY (REVISING & REPLACING RESOLUTION 2023-20)**

WHEREAS, the City of Millville has developed various parks, facilities, and picnicking areas; and

WHEREAS, there is a need to reserve these facilities to ensure availability; and

WHEREAS, the cost to administer and make available the facilities has been researched and reviewed; and

WHEREAS, the Council is trying to preserve the facilities and cover costs incurred for the usage; and

WHEREAS, the Council has determined a need to outline and clarify guidelines to be equitable to all individuals wanting to reserve the City's facilities;

THEREFORE, BE IT RESOLVED that the Millville City Council adopts the Park Usage and Reservation Policy as attached.

Passed and approved by the Millville City Council this 14th day of December, 2023.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Jeremy Ward				
Daniel Grange				
Clay G. Wilker				
Pamela June				
Ryan Zollinger				

Millville City Parks Policy

Park Hours: All Millville parks are open from 6 a.m. until 10:00 p.m., no exceptions without City Council approval. If pavilions are used beyond approved hours the deposit will be forfeited. Overnight use of the parks is subject to approval by the City Council.

Park Use:

- Millville City reserves the right to suspend field availability without prior notice during periods of inclement weather, poor playing conditions, for needed maintenance or watering or for whatever reason deemed necessary by City staff.
- Sprinklers are on water turns and may be on during scheduled park use time.
- Mowing is done on a flexible schedule to try and accommodate scheduled events as much as possible.
- No marking the lawn with spray paint or other items.
- No inflatables of any size or type are permitted.
- All other park areas are for general public use. Patrons who make reservations should understand that other events may be happening at the same time as their reservation.
- If you are playing music and are asked, please turn it off. No music is allowed before 8 a.m.

Fireworks: No fireworks are permitted at any time in Millville City Parks.

Pets: No animals are permitted at Millville parks on or off leash.

Sales: No product marketing or sales are allowed in public parks without approval from the City Council.

Drugs, Alcohol and Smoking: No smoking, nor possession or consumption of alcoholic beverages or illicit drugs are permitted on City property.

Tennis and Pickleball Courts: Tennis shoes only. Absolutely no cleats, skateboards, scooters, bicycles, etc. Courts are only for their intended uses. One-hour time limit when others are waiting.

Splash Pad: The splash pad and nearby pavilion at the South City Park are open to the public and are not restricted by reservation. The splash pad will open at 11 a.m. and close at 5 p.m. Water availability is determined by the climate and may be restricted as needed.

Field Sports:

- A “Millville team” is a team for which their home field is designated in Millville or the team practices on a Millville field. The City will limit the number of teams that designate Millville as their home field.
- No Millville City fields can be used by team sports without a scheduled reservation.
- Field painting will be done by the organizing entity; painting must be approved by the City.
- All teams must pay per season to use the fields. Seasons are defined as follows:
 - Fall season includes the months from August to October - scheduling starts August 1st.
 - Spring season includes the months from March to June - scheduling starts March 1st.
 - All fields are closed to team sports for the month of July.
- Teams are permitted 2 reservations per week in addition to Saturday; 1-hour limit per reservation.

Reservations:

- Pavilions: The South Park south pavilion and the pavilion at the North Park are available for reservation on a first-come, first-served basis. A per-day use fee will be charged to reserve the park pavilion for personal events, such as family gatherings, socials, or private club meetings.
- Pickleball Courts: The South Park pickleball courts can be reserved for a fee.

- *Fields:* All organized league field use is available by reservation *only*, with a fee, on a first-come, first-served basis. Preferential treatment may be given to teams from Millville City.
- *Scheduling:* Call the Development Coordinator with questions or to make reservations. The calendar is available on the City website: www.millvillecity.org
- *Reservation Rules:* No reservation is complete until all fees have been paid. If fees have not been paid, the reservation slot may be taken by someone else. All reservations must be made with fees paid at least one week in advance of the day(s) of desired use. No exceptions to the rental fees will be made without City Council approval. Millville City reserves the right to cancel a reservation or not allow a reservation at any time.

Fees:

- *Special Event Permit:*
 - If any reservation has an expected attendance of 100+ people, a special event permit will be required. A Special Event Permit requires a \$100 fee plus other fees on a case-by-case basis.
- *Pavilions:*
 - North Park with Kitchen: \$75 resident, \$150 non-resident. A \$200 refundable deposit is required for all reservations.
 - South Park South Pavilion: \$40 resident, \$80 non-resident.
- *Pickleball:*
 - 4 courts for half day: \$100 (double for 8 courts)
 - 4 courts for full day: \$200 (double for 8 courts)
 - “half day” is any 4-hour time period; any time over 4 hours is considered a full day
- *Field Sports:*
 - Recreational Soccer: \$1 per participant per season on a Millville team.
 - Competitive Soccer, Baseball, Football, Lacrosse or any other sport: \$100 per team per season.
 - Tournament: \$100 per day.

Millville City North Park Pavilion Reservation Form

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Millville City is dedicated to serving its residents and providing access to City parks and pavilions.

North Pavilion Reservation Use Policy:

- Patrons who make reservations should understand that other events may be happening in the park at the same time as their reservation.
- The tennis courts, children's playgrounds, and soccer fields may not be reserved with the pavilion but are open for use by the public on a first-come, first-served basis.
- The pavilion and park close at 10 p.m. All reservations need to be completed by closing. If the pavilions are used beyond approved hours the deposit will be forfeited.
- Rental of the pavilion will entitle users the use of the kitchen facilities, restrooms and access to electricity.
- The park will be cleaned on a periodic schedule. However, the City cannot guarantee the cleanliness of the facility at the time of your reservation. If you arrive and find a mess or issues left from previous use, please notify Millville City staff immediately so that you aren't held responsible.
- A deposit will be required in addition to the non-refundable park use fee to cover cleaning and/or damage. A representative of the city will inspect the pavilion, kitchen, restrooms, park and surrounding areas following your event. Failure to leave the area clean and undamaged will result in loss of the deposit.
- Renters agree to pay for damages that occur to the facility, in addition to the deposit. _____ (initial)
- Groups are responsible to leave the area and restrooms clean. All trash should be disposed of in the City trash receptacles (provided onsite). No glitter is permitted in the pavilions.
- After the key is returned and the area is inspected, the deposit can be picked up during office hours the following week.
- Fees paid by cash or check (payable to Millville City) and assessed as follows:
 - Non-Refundable Use fee: \$75 for Millville residents, or \$150 for non-Millville residents
 - Refundable cleaning and damage deposit: \$200
- Millville City will not be responsible for lost or damaged equipment, personal belongings or other items owned or used by the group or individuals using the park.
- Items left for more than 30 days will be utilized or discarded as deemed proper by the City staff.
- No alcohol is permitted in Millville City parks or pavilions. Failure to comply with this regulation will result in the loss of your deposit.

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Keys:

- Groups must designate one individual to pick up a key to the kitchen and restroom. Please contact _____ at _____ to make arrangements to pick up the key.
- This person must maintain control of the key at all times. Do not lend out the key to anyone.
- Keys are available for pick up one working day prior to the reservation.
- Upon cleaning and locking after use, the key must be returned to the drop box located in front of the City offices at 510 E. 300 S. no later than the day after your reservation.
- The full deposit will be forfeited if the key is not returned.

North Park Pavilion Use Application

Group/Organization: _____ Phone # _____

Group/ Organization Address: _____

City, State, Zip: _____

Date of Reservation: _____ Requested Time: _____

Approx # of people: _____

I have read and agree to the terms and conditions listed in the **Millville City Parks Policy and this Pavilion Reservation Use Policy. I understand that all fees other than the deposit are non-refundable.** Failure to abide by this agreement will result in the loss of reservation privileges for the park in the future. I understand that Millville City reserves the right to deny or revoke reservations at the sole discretion of the City staff. I understand that Millville City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park.

Signature

Date

Staff Initials

IN THE EVENT OF AN EMERGENCY, CALL 911
or THE CACHE COUNTY SHERIFF'S DISPATCH AT 435-716-9400

Office Use only:

Fee Paid: _____ Date: _____ Receipt #: _____

Deposit Paid: _____ Date: _____ Receipt #: _____

Deposit Refund Amount: _____ Date: _____

Millville City South Park South Pavilion Reservation Form

Millville City is dedicated to serving its residents and providing access to City Parks and Pavilions.

South Pavilion Reservation Use Policy:

- The reservation is for the pavilion only. No surrounding areas are included. Patrons who make reservations should understand that other events in the park may be happening at the same time as their reservation.
- The pavilion and park close at 10 p.m. All reservations need to be completed by closing. If pavilions are used beyond approved hours the deposit will be forfeited.
- Reservations of the pavilion are separate from pickleball court reservations and separate from the splash pad.
- No marking the lawn with spray paint or other items.
- No inflatables of any size or type are permitted.
- **Non-Refundable** fee paid by cash or check (payable to: Millville City) and assessed as follows:
\$40 for Millville residents, or \$80 for non-Millville residents
- The park will be cleaned on a periodic schedule. However, the City cannot guarantee the cleanliness of the facility at the time of your reservation. If you arrive and find a mess or issues left from previous use, please notify Millville City staff immediately so that you aren't held responsible.
- Sprinklers are on water turns and may be on during your park use time.
- Mowing is done on a flexible schedule to try and accommodate scheduled events as much as possible.
- Groups are responsible to leave the area clean. All trash should be disposed of in the City trash receptacles (provided onsite). No glitter is permitted in the pavilions.
- Millville City is not responsible for lost or damaged equipment, personal belongings or other items owned or used by the group or individuals using the park.
- No alcohol is permitted in Millville City parks or pavilions. Failure to comply with this regulation will result in loss of your deposit.
- Items left for more than 30 days will be utilized or discarded as deemed proper by the City staff.

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South Park Pavilion Use Application

Group/Organization: _____ Phone # _____

Group/ Organization Address: _____

City, State, Zip: _____

Date of Reservation: _____ Requested Time: _____

Approx # of people: _____

I have read and agree to the terms and conditions listed in the **Millville City Parks Policy and this Pavilion Reservation Use Policy. I understand that all fees are non-refundable.** Failure to abide by this agreement will result in the loss of reservation privileges for the park in the future. I understand that Millville City reserves the right to deny or revoke reservations at the sole discretion of the City staff. I understand that Millville City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park.

Signature

Date

Staff Initials

IN THE EVENT OF AN EMERGENCY, CALL 911
or THE CACHE COUNTY SHERIFF'S DISPATCH AT 435-716-9400

Office Use only:

Fee Paid: _____ Date: _____ Receipt #: _____

Millville City South Park Pickleball Court Reservation Form

Millville City is dedicated to serving its residents and providing access to City Parks and Pavilions.

South Park Pickleball Court Reservation Use Policy:

- All Millville parks are open from 6 a.m. until 10:00 p.m. No exceptions without City Council approval.
- Patrons who make reservations should understand that other events in the park may be happening at the same time as their reservation.
- Reservations of the pavilion are separate from pickleball court reservations.
- A reservation is not complete until all fees have been paid. If fees have not been paid, the reservation slot may be taken by someone else.
- Court reservation and payment must be completed a minimum of one-week prior to the desired reservation date.
- **Non-Refundable** fee paid by cash or check (payable to: Millville City) and assessed as follows:
 - **4 courts for half day: \$100 (double for 8 courts)**
 - **4 courts for full day: \$200 (double for 8 courts)**
 - **“half day” is any 4-hour time period; any time over 4 hours is considered a full day**
- The courts will be cleaned on a periodic schedule. However, the City cannot guarantee the cleanliness of the facility at the time of your reservation.
- Groups are responsible to leave the area clean. All trash should be disposed of in the City trash receptacles (provided onsite).
- Courts are only to be used for proper pickleball play. Tennis shoes only. Absolutely NO cleats, skateboards, scooters, bicycles, etc.
- If you are playing music and are asked, please turn it off. No music is allowed before 8 a.m.
- Millville City is not responsible for lost or damaged equipment, personal belongings or other items owned or used by the group or individuals using the park.
- Items left for more than 30 days will be utilized or discarded as deemed proper by the City staff.

Pickleball Court Use Application

Group/Organization: _____ Phone # _____

Group/ Organization Address: _____

City, State, Zip: _____

Date of Reservation: _____ Requested Time: _____

of Courts (circle one) 4 8 Approx # of people: _____

I have read and agree to the terms and conditions listed in the **Millville City Parks Policy and the pickleball court reservation use policy**. I understand that all fees are non-refundable. Failure to abide by this agreement will result in the loss of reservation privileges for the park in the future. I understand that Millville City reserves the right to deny or revoke reservations at the sole discretion of the City staff. I understand that Millville City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park.

Signature

Date

Staff Initials

IN THE EVENT OF AN EMERGENCY, CALL 911
or THE CACHE COUNTY SHERIFF'S DISPATCH AT 435-716-9400

Office Use only:

Fee Paid: _____ Date: _____ Receipt #: _____

Millville City Field Sports Reservation Form

Millville City is dedicated to serving its residents and providing access to City Parks and Pavilions.

Field Sports Reservation Use Policy:

- A “Millville team” is a team for which their home field is designated in Millville or the team practices on a Millville field.
- The City will allow a limited number of teams to designate Millville as their home field.
- Millville City reserves the right to suspend field availability without prior notice during periods of inclement weather, poor playing conditions, for needed maintenance or watering or for whatever reason deemed necessary by City staff.
- Sprinklers are on water turns and may be on during your park use time.
- Mowing is done on a flexible schedule to try and accommodate scheduled events as much as possible.
- No inflatables of any size or type are permitted.
- No marking the lawn with spray paint or other items.
- Soccer goals are to be placed and moved by City staff only.
- If you are playing music and are asked, please turn it off. No music is allowed before 8 a.m.
- Fields locations may be assigned to designate a specific area (ex: Field A, Field B).
- Field painting will be done by the organizing entity; painting must be approved by the City.
- All teams must pay per season to use the fields. Seasons are defined as the following:
 - Fall includes the months from August to October - scheduling starts August 1st.
 - Spring includes the months from March to June - scheduling starts March 1st.
 - All fields are closed to sports teams for the month of July.
- Teams are permitted 2 reservations Monday-Friday; 1-hour limit per reservation.
- **Fees** paid by cash or check (payable to Millville City) and assessed as follows:
 - Recreational Soccer: \$1 per participant per season on a Millville team.
 - Competitive Soccer, Baseball, Football, Lacrosse or any other sport:
\$100 per team / per season.
 - Tournament: \$100 per day.

Field Sports Use Application

Coach Name: _____ Coach Phone # _____

Coach Email Address : _____

Team Name: _____ Team League: _____

Home Field Assigned: _____

Field Size Needed: _____

Season: (check one) ☐ Spring ☐ Fall

Requested Times:

Monday	Tuesday	Wednesday	Thursday	Friday

I have read and agree to the terms and conditions listed in the **Millville City Parks Policy and the field sports use policy. I understand that all fees are non-refundable.** Failure to abide by this agreement will result in the loss of reservation privileges for the park in the future. I understand that Millville City reserves the right to deny or revoke reservations at the sole discretion of the City staff. I understand that Millville City assumes no responsibility or liability for accidents or injuries arising from activities conducted at the City Park.

Signature

Date

Staff Initials

IN THE EVENT OF AN EMERGENCY, CALL 911
or THE CACHE COUNTY SHERIFF'S DISPATCH AT 435-716-9400

Office Use only:

Fee Paid: _____ Date: _____ Receipt #: _____



AGENDA REPORT: GREEN WASTE

December 14, 2023

Background

Now that we have transitioned from Logan City to Waste Management for garbage services it is time to work through what Millville should do with Green Waste. The mayors from throughout Cache Valley have had a couple of meetings with Waste Management to discuss options.

Curbside Green Waste

In the past, with service through Logan City, Millville residents have had the option to opt in for a personal green waste can at their homes that was picked up every week between March 1 and October 31. The additional cost for this service was \$5 per month which was paid every month of the year (not just the months the service was provided).

Waste Management has offered to continue to provide this service to residents as an opt-in service. The monthly cost of this service would be \$12 per month if we maintain roughly the same number of users as we had this past year. If this service is offered in Millville, we would need to come up with a plan to prevent those that opt-in from canceling as the rate is dependent on that number of users. As the cost would be more than double what the current curbside green waste users are paying, we might expect to see many of them not want to continue the service.

As a reference point, with Waste Management, the cost of a second black garbage container is \$8.75 (for either the 64-gallon or 96-gallon size) with pick-up offered every week.

Roll-Off Bins

The fee to have a large roll-off bin at the City Office is \$275/month + tonnage. There are some questions as to if this will increase in the near future. This cost is based on the following requirements:

- Pick-ups must be scheduled with at least 48-hour notice
- Overloaded containers will not be picked up, but will incur a trip charge
- Contaminated loads will be dumped and charged as trash

Based on our history of having a green waste roll-off bin, the staff thinks that these requirements would be very difficult to meet without a locked bin area and full-time staff in place to babysit. We don't think this is a good idea.

The Council should review and discuss the options so that we know how to proceed and can let our residents know.



AGENDA REPORT: ILLEGAL SUBDIVISIONS

December 14, 2023

Background

Anyone can record deeds at the County, even if it creates an illegal subdivision. This results in illegal subdivisions happening all the time throughout Cache County. In the past, this would just happen at the County and nobody would know. The County Recorder's Office now has an alert system so that we are aware of parcel changes within our City boundaries. We are now on the list to get an email sent to our City Recorder and Development Coordinator when a parcel change takes place. This should allow us to address the issues when they happen instead of finding out about them years later or not finding out about them at all.

Staff was recently notified of a parcel change and has sent a letter notifying the resident of the illegal subdivision and asking that they work with the City to fix the issue. Our current code allows us to either charge the perpetrator with a misdemeanor or sue for injunction. This requires that we track these issues until they are resolved.

In speaking with our City attorney, we have been advised that it may be better to adopt some new code that would allow us to provide notice and then put a restriction on title noting that the property is illegal. This would show up on a title report and put potential future buyers on notice. City staff could then get used to checking title to see if it was illegally subdivided. This makes it more transparent for everyone that there is an issue, even if the lot is not built upon for many years.

Our attorney has provided a draft version of this code that has been used in other small cities in Cache Valley. We will need to tweak this to work with our City Code and then it would go through the review process with Planning and Zoning before coming to the City Council for final adoption. We are getting it in front of you now so that you know what is going on and so you can voice concerns or questions prior to the completion of the P&Z recommendation process.

Included Documents

- Draft Code for review

_____ TOWN

ORDINANCE NO. 20 _____ - _____

**AN ORDINANCE AMENDING THE TOWN'S SUBDIVISION
ORDINANCE BY ADDING SECTION _____ PROVIDING FOR THE
RECORDING OF NOTICE ON TITLE OF ANY PARCEL OF PROPERTY
THAT HAS BEEN ILLEGALLY SUBDIVIDED.**

WHEREAS, the _____ Town Council (the "Council") has determined that it is in the best interest of its citizens and the public in general to protect potential buyers against the unknowing purchase of an illegally subdivided parcel;

WHEREAS, the Council has determined that recording a public notice on title to any illegally subdivided parcel will provide such notice to innocent buyers, advances one or more of the purposes of the Town's Subdivision Ordinance and the Town Land Management and Development Code, and is consistent with the Town's General Plan; and

WHEREAS, the Town Planning Commission has reviewed this Ordinance and recommended its adoption by the Council.

NOW, THEREFORE, BE IT ORDAINED, by the _____ Town Council, Cache County, State of Utah, as follows:

1. The following Section _____ is hereby adopted and added to the Town Subdivision Ordinance as follows:

_____ **NOTICE OF NONCOMPLIANCE**

A. Upon inspection and discovery that any provision of the Town's Subdivision Code has been or is being violated, the Town may provide written Notice of Violation to the owner of the property that is the subject of the violation and to any other party who may be responsible for the violation.

B. The written Notice of Violation shall:

1. Indicate the nature of the violation;
2. Identify the action necessary to correct the violation;
3. Give the property owner fourteen (14) days from the date of receipt of the Notice to correct the violation;
4. State the action the Town intends to take if the violation is not corrected within the fourteen (14) day period; and

5. State that the property owner may request a hearing with the PLANNING COMMISSION if the property owner disagrees with the determinations set forth in the Notice of Violation.

C. The Notice of Violation shall be served upon the property owner and/or the violator by personal delivery, by certified mail, return receipt required, to the address listed on the County Assessor's records for the property.

D. Within fourteen (14) days of the day on which the Notice of Violation is served on the property owner, the property owner may request a hearing with the PLANNING COMMISSION to present facts and argument as to why the property owner is entitled to relief from the Notice of Violation. The property owner shall file the request for a hearing in writing with the Town Clerk. The written request for a hearing shall set forth the property owner's position as to why the property owner is entitled to relief. The Town clerk shall notify the PLANNING COMMISSION of the request for a hearing and the request shall be placed on the agenda for the next regularly scheduled meeting of the PLANNING COMMISSION, but in no event later than thirty (30) days from the date the Town Clerk receives the request for a hearing. The PLANNING COMMISSION shall review the Notice of Violation, the written request for a hearing, and any other information that the property owner or any other interested party may present, and make a determination as to whether the violation set forth in the Notice of Violation has taken place or exists. The Town shall have the burden of proving by a preponderance of the evidence the violation took place or exists.

E. If the property owner has not requested a hearing with the PLANNING COMMISSION within the fourteen (14) day period, or if after a hearing on the matter the PLANNING COMMISSION determines that the violation set forth in the Notice of Violation has taken place, the PLANNING COMMISSION or any other person designated by the Town may record a Notice of Noncompliance on title to the property that is the subject of the Notice of Violation. The Notice of Noncompliance shall generally explain the nature of the violation, indicate that no permits or licenses, including but not limited to, a building permit, may be issued for any structure located on the subject property, and meet all other requirements for the recording of documents in the Cache County Recorder's Office.

F. If the Town subsequently determines that the violation of the Town's Subdivision Code for which a Notice of Noncompliance has been recorded has been cured or that the property which is the subject of the Notice of Noncompliance is otherwise no longer in violation, the PLANNING COMMISSION, TOWN COUNCIL or other person designated by the Town shall record a release of the Notice of Noncompliance on title to the subject property.

G. Notwithstanding anything to the contrary in any ordinance or code of the Town, until such time as the violation for which a Notice of

Noncompliance issued under this Section has been cured or otherwise resolved, the Town may withhold or deny the issuance of any permits, licenses, or connections of any kind including but not limited to, a building permit, water connection, or other similar permit or connection, for the property in violation or any structure thereon.

2. To the extent of any conflict between this Ordinance and any other ordinance(s) or regulation(s) of _____ Town, the provisions of this Ordinance shall be controlling.

3. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

4. This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the _____ TOWN COUNCIL this _____ day of _____, 20____.

_____ TOWN

, Mayor

ATTEST:

, Town Clerk

12/11/2023

Via Certified Mail

Re: LETTER OF NONCOMPLIANCE

Dear Property Owner:

You are receiving this Notice because public records held at the Cache County Recorder's Office indicate that you are the owner of record of the parcel(s) of real property located in Cache County Utah and described more particularly below:

SEE EXHIBIT A

It has come to the Town's attention that the above-described parcel(s) of real property was created or adjusted in violation of the Town's Subdivision Ordinance and Part 6 of the Utah Municipal Land Use, Development, and Management Act (Utah Code Ann. § 10-9a-601 *et seq.*). Specifically, this parcel(s) was created from the division and/or subdivision of a larger parcel in violation of the requirements established under the foregoing provisions.

This Letter is not to accuse anyone of committing a crime, but to inform owners that the above-described parcel(s) is a noncompliant division of land. The fact that a deed was recorded for the above-named property in the Cache County Recorder's Office does not indicate that the subdivision was approved by the Town or Cache County. The County Recorder's Office is required by law to record title instruments, and it does not have the responsibility or function of verifying that transferred properties are compliant with State Law or Town Ordinance.

As you may or may not be aware, with a few minor exceptions, both State Law and Town Ordinance require that the division or subdivision of any parcel of real property must be compliant with the Town's Subdivision Ordinance and State Law. Any division or subdivision of a parcel in violation of State Law or Town Ordinance may be punishable as a crime and may subject the property owner to other enforcement remedies including, but not limited to, the commencement of legal action by the Town.

Furthermore, any further division, subdivision, sale, exchange, or transfer of the improperly created parcel is also a violation of State Law and Town Ordinance and punishable as a separate criminal offense. Additionally, no permits or licenses of any kind, including building permits, may be issued for the use of any building or land that is in violation of the Town Subdivision Ordinance or State Law.

Thus, illegally subdividing parcels of real property not only affects the original subdividing party, but also the party to whom the subdivided parcel is subsequently transferred because that parcel cannot be sold or transferred without further violating State Law and Town Ordinance. Moreover, recipients of illegally subdivided parcels of real property may be entitled to legal recourse against the parties from whom they received the property.

Please be advised that after ten (10) business days, the attached “Notice of Noncompliance” will be recorded in the Cache County Recorder’s Office. This notice does not create a lien, notice of interest, or encumbrance on the above-described property, but works to provide notice to bona fide purchasers of the limitations of noncompliant parcels of real property. In the event you feel that this determination of noncompliance is in error or that your parcel was created pursuant to a valid subdivision in accordance with State Law and/or Town Ordinance, we recommend that you obtain additional information supporting that position and contact the Town to discuss a resolution of this matter.

Sincerely,

_____ TOWN

_____ Planning Commission

EXHIBIT A

[Insert legal description of the property]

RETURN TO:

_____ TOWN

_____, UTAH 84 _____

NOTICE OF NONCOMPLIANCE

NOTICE IS HEREBY GIVEN, that the parcel(s) of real property described below (hereinafter the "Parcel") is currently not in compliance with the _____ Town Subdivision Ordinance, the _____ Town Land Management and Development Code, and/or the Utah Municipal Land Use, Development and Management Act. Specifically, the Parcel is a division and/or subdivision of a larger parcel and was not created in compliance with the requirements of the foregoing laws. Therefore, _____ Town cannot verify that this property has services available or is accessible without trespass, and _____ Town cannot issue any permit or license, including but not limited to, a building permit, for a structure on the property.

The Parcel(s) is located within the State of Utah, Cache County, and more specifically described as follows:

See Exhibit A, attached and incorporated by reference.

Please be advised that any further division, subdivision, sell, exchange, or transfer of the Parcel may be a violation of Utah State code and _____ Town ordinances and punishable as a criminal offense.

In the event you have any questions or feel this Notice was recorded in error, please feel free to contact _____ Town Office.

DATED this _____ day of _____, 20 _____.

Amalga Town

STATE OF UTAH)
 : ss.
County of Cache)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____.

NOTARY PUBLIC

EXHIBIT A

[place property description here]



AGENDA REPORT: 2024 Meeting Schedule

December 14, 2023

Background

The Open and Public Meetings Act, in section 52-4-202 (2) of Utah State Code, requires that a public body provides notice at least once each year on its annual meeting schedule.

In 2023, the Millville City Council has met monthly on the second Thursday of each month at 7 p.m. Staff feels like this went well this past year and would recommend keeping the same schedule in 2024 with one exception. The 2023 audit is nearing completion and will be done and ready for presentation to the City Council by the middle of January 2024. It is recommended that we move the January meeting from January 11 to January 18 to provide a little more time in having things complete and ready for presentation.

Tonight, the City Council should discuss the meeting schedule for 2024 and make a motion to adopt the schedule that will work best for the City.

Councilmember Assignments 2023

Councilmember Daniel Grange

- Water
- Trails
- Fire/EMS/Emergency Preparedness
- City Celebration Support

Councilmember Ryan Zollinger

- Sewer
- Parade

Councilmember Clay Wilker

- City Celebration/Night Out Against Crime
- Youth Council

Councilmember Pamela June

- Ordinance Enforcement
- P&Z
- Fair Booth

Councilmember Jeremy Ward

- Law Enforcement/Animal Control
- Ordinance Enforcement Support
- Wildfire