

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
April 11, 2024

PRESENT: David Hair, Daniel Grange, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Mandy Kapp, Konner Simmons, Gary Stauffer, Jacob Ames, Harry Meadows

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for April 11, 2024, at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Ryan Zollinger, and Daniel Grange were in attendance with Councilmembers Clay Wilker and Jeremy Ward excused.

Opening remarks/Pledge of Allegiance

Councilmember Grange 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 April 11, 2024, was reviewed.

Councilmember Zollinger moved to approve the agenda for April 11, 2024.

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

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting on March 27, 2024.

Councilmember June motioned to approve the minutes for March 27, 2024.

Councilmember Grange seconded. Councilmembers June, Grange, and Zollinger voted yes with Councilmembers Wilker and Ward excused.

Public comment period

Mayor Hair opened the floor for any public comments.

Mandy Kapp said that she is considering putting an offer on a house in Millville in the R1-Residential Zone. The intent would be to purchase this house for a micro-school business and not to live in. Mandy explained that this micro-school would be a “home school” location for approximately 30-40 children between the ages of 4-14 years. The Millville home that she is looking at has a large yard where the kids could spend a significant

amount of their school time outside. The house is located at approximately 400 North and 100 West.

Councilmember June said that she would like to know what Planning and Zoning thinks about this. The rest of the Council agreed that this request should go to the Planning Commission for review.

Recorder Twedt said that he also agreed that the Planning Commission should weigh in on this, but that if the request were approved from a zoning standpoint, Mandy would still need to come to the City Council to seek a business license. He said that he had major concerns about this type of business in a residential area where there will be many vehicles at least a couple of times per day that will impact the neighborhood.

Mayor Hair said that he had concerns about safety issues with that number of children. He said that the fire inspector should be involved to sign off on what they are trying to do.

The consensus from the Council was for Mandy to get on the agenda for a future Planning and Zoning meeting.

CAPSA presentation on Sexual Abuse Awareness

Konner Simmons from CAPSA explained that April is Sexual Abuse Awareness Month. He went through some of the statistics for Cache Valley that are tracked by CAPSA. Konner discussed the benefits of CAPSA's proposal of "Starting by Believing" for victims of sexual abuse. Councilmember Zollinger and Mayor Hair thanked Konner for coming.

Consideration for approval of a three-year contract for animal control services

Mayor Hair reviewed the contract from the Cache County Sheriff's Department for three years of animal control services beginning in July 2024 for FY25. He said that he thought this was a good deal for the City.

Councilmember Zollinger said that he thinks a 25% increase over four years is a lot. Recorder Twedt said that they haven't increased rates for many years, so this is a plan to increase over four years to get to a more realistic level of hourly pay. He said that he likes that it is a fixed increase for the next four years and that it is a good deal for the City with how many issues we have each month with animal-related issues.

Councilmember Grange motioned to approve the contract for animal control services with the Cache County Sheriff's Department. Councilmember June seconded. Councilmembers June, Grange, and Zollinger voted yes with Councilmembers Wilker and Ward excused.

Consideration of an ordinance updating City Code related to business licenses

Recorder Twedt reviewed the proposed code revisions related to business licenses. He said that this was in relation to what was discussed at a previous City Council meeting where it was decided that all business licenses did not need to be held up to be reviewed for approval in a City Council meeting. Recorder Twedt explained that the proposed code would allow staff to review and approve business license requests except for requests for businesses located in a residential zone that are not fee-exempt. These businesses generally come with additional impact and should be reviewed at a Council meeting.

He said that along with those code changes, there were a few updates to this chapter of code that Recorder Twedt said he thinks needed a little cleaning up and better organization.

Recorder Twedt said that he thought it would make sense to discuss the fees for business licenses and the resolution now as well since they were related.

Recorder Twedt explained that several years ago, State legislation was passed stating that cities couldn't charge a business license fee for home-based businesses that did not have a significant residential impact. Some cities just quit licensing this type of business. In Millville, the Council decided to continue to issue licenses for home-based businesses. Millville has a lot of this type of business, and it is time-consuming to send out letters and create licenses and everything that we do for these businesses. Recorder Twedt said that the proposal included in the ordinance and resolution would require an administrative fee for home-based businesses that want a copy of their business license certificate. The resolution would also increase the fee for a non-fee-exempt business from \$25 (that was set 21 years ago) to \$35.

Councilmember June moved to approve Ordinance 2024-2. Councilmember Zollinger seconded. Councilmembers June, Grange, and Zollinger voted yes with Councilmembers Wilker and Ward excused. (The adopted ordinance is included with the minutes as Attachment "B".)

Consideration of a resolution updating the fee schedule for business licenses

Recorder Twedt reviewed with the Council the resolution updating the fee schedule for business licenses.

Councilmember Zollinger motioned to approve Resolution 2024-7. Councilmember June seconded. Councilmembers June, Grange, and Zollinger voted yes with Councilmembers Wilker and Ward excused. (The approved resolution is included with the minutes as Attachment "C".)

Review of utility adjustments for FY24 Q3

Treasurer Hobbs reviewed the utility adjustments made during the last three months.

Budget review for FY24 Q3

Recorder Twedt reviewed the FY24 budget through the end of the third quarter. He explained that the Council would be doing a full budget review for updates to the FY24 budget and for the new FY25 budget at the next meeting followed by a public hearing regarding the budget at the June meeting. Today, he said he just wanted to point out a few things and then he would answer any questions that the Council had regarding the budget.

Recorder Twedt reviewed the revenue for sewer service and sewer debt as well as sewer bond payoffs and interest on the expense side. He also reviewed the ARPA funding and water department supplies. (A copy of the staff report is included with the minutes as Attachment “D”.)

Cemetery Discussion

Mayor Hair said that Mary Jo Davis came by and spoke with him about meeting with the City to clear the air and work through some things. One of the main things they would like to discuss is water. There was a brief discussion on City culinary water and Garr Springs water shares owned by the Cemetery District.

Mayor Hair said that the request from Mary Jo is for two councilmembers to meet up with two members of the Cemetery Board to discuss things. Mayor Hair asked that Councilmembers Zollinger and Grange meet with them. He said that he would be willing to attend as well if they would like.

Report on P&Z Meetings

Development Coordinator Everton reviewed with the Council the Planning Commission’s draft minutes for the meetings held on March 21, 2024, and April 4, 2024.

City Reports

Director of Public Works Chad Kendrick reported that the sewer project is still moving along. Over the next couple of days, they will again have a truck in town that will be hauling away dirt from off the side of the roads.

Director Kendrick said that they have been opening up some of the park restrooms and getting the parks ready for summer.

Director Kendrick said that they are working on finding a good and affordable option for lights at the tennis courts. Recorder Twedt said that they would like some advice from Councilmember Zollinger on this.

Director Kendrick reported that the walking path and the South Park extension are getting a lot of use.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment “E”.)

Recorder Twedt said that he had received a text from Rachel Thompson indicating that she and Roxie Hancey were not planning to be youth council advisors next year. He said that he had put a notice in the newsletter and would put one on the website.

Recorder Twedt said that he and Development Coordinator Everton had met with representatives of a developer that owns the two parcels on the north side of the 550 North by the highway zoned as Town Center. They acted like they were open to suggestions of what to do there and asked that we get some thoughts from the City Council on what they would want there if they could have anything. The Council said they would love to see a car dealership there because of the tax revenue. They also discussed the benefits of a restaurant or grocery store.

Mayor Hair thanked the staff for all the extra work they had been putting in while dealing with the sewer project.

Adjournment

Councilmember Zollinger motioned to adjourn the meeting. Councilmember Grange seconded. Councilmembers June, Grange, and Zollinger voted yes with Councilmembers Wilker and Ward excused. The meeting adjourned at 8:19 p.m.

NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold its regularly scheduled Council Meeting on Thursday, April 11, 2024, 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 Grange
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – March 27, 2024
5. Agenda Items—
 - A. Public comment period (2 min/person)
 - B. CAPSA presentation on Sexual Abuse Awareness – Konner Simmons
 - C. Consideration for approval of a three-year contract for animal control services – Mayor Hair
 - D. Consideration of ordinance updating City Code related to business licenses – Recorder Twedt
 - E. Consideration of a resolution updating business license fee schedule – Recorder Twedt
 - F. Review of utility adjustments for FY24 Q3 – Treasurer Hobbs
 - G. Budget review for FY24 Q3 – Recorder Twedt
 - H. Cemetery Discussion – Mayor Hair
 - I. Report on P&Z meetings held March 21, 2024 and April 4, 2024 – Development Coordinator Everton
 - J. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - K. 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 April 8, 2024, to the City posting locations, the City Website, and the Utah Public Meeting Notices Website.



Corey Twedt, Recorder

MILLVILLE CITY
ORDINANCE 2024-2

UPDATES TO CITY CODE CHAPTER 5.04 – BUSINESS LICENSES
GENERALLY

WHEREAS, Millville City has established City Code Chapter 5.04 – Business Licenses Generally, with specific guidelines for business licenses; and

WHEREAS, the Millville City Council wishes to clarify and update the business license application review and approval process;

NOW, THEREFORE, the Millville City Council hereby adopts, passes, and publishes the modifications shown in the included attachment for City Code Chapter 5.04 – Business Licenses Generally.

This ordinance shall become effective on April 11, 2024.

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 11th day of April, 2024.



MILLVILLE CITY

David Hair

David Hair, Mayor

ATTEST:

Corey Tvedt

Corey Tvedt, City Recorder

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

POSTED: 4/12/24

MILLVILLE CITY CODE
TITLE 5 - BUSINESS LICENSES AND REGULATIONS
CHAPTER 5.04 - BUSINESS LICENSES GENERALLY

[5.04.010: DEFINITIONS](#)

[5.04.020: BUSINESS LICENSE REQUIRED](#)

[5.04.030: LICENSE ASSESSOR AND COLLECTOR](#)

[5.04.040: PAYMENT DATES](#)

[5.04.050: PENALTY FOR LATE PAYMENT](#)

[5.04.060: APPLICATIONS FOR LICENSE](#)

[5.04.070: CERTIFICATE](#)

[5.04.080: DISPLAY](#)

[5.04.090: TRANSFER OF LICENSE PROHIBITED](#)

[5.04.100: REVOCATION OR DENIAL OF BUSINESS LICENSE](#)

[5.04.110: BRANCH ESTABLISHMENTS](#)

[5.04.120: JOINT LICENSE](#)

[5.04.130: RECIPROCAL RECOGNITION OF LICENSES](#)

[5.04.140: EXEMPTIONS TO LICENSE](#)

[5.04.150: FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE](#)

[5.04.160: ANNUAL FEE SCHEDULE](#)

5.04.010: DEFINITIONS

As used in this title:

BUSINESS: Means and includes all activities engaged in within this municipality carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the municipality, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible personal property at either retail or wholesale, or both, in the municipality.

EMPLOYEE: The operator, owner or manager of a place of business and any persons employed by such person in the operation of such place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

WHOLESALE: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale. (Prior code § 9-111)

5.04.020: BUSINESS LICENSE REQUIRED

It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin operated machine without first receiving the class or type of license required by the municipality. (Prior code § 9-112)

5.04.030: LICENSE ASSESSOR AND COLLECTOR

~~The recorder is~~City shall designated and appointed as ex officio assessor of license fees a business license official for this municipality. On receipt of any application for a license, the business license official~~recorder~~ shall assess the amount due thereon and shall collect all license fees based upon the rate established by resolution. ~~He or she shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. All new business license applications will be reviewed and accepted or rejected by the designated business license official with the exception of business licenses located in a residential zone that do not meet the requirements for a home-based business fee exemption as outlined in Section 5.04.160.B of this Chapter. The City Council will review and accept or reject all business license applications that are located in a residential zone that do not meet the requirements for a home-based business fee exemption as outlined in Section 5.04.160.B of this Chapter. All new-business licenses applications will be reviewed and accepted or rejected by the city council on a yearly basis in a regularly scheduled council meeting (Ord. 2024-2, 2024: Ord. 2018-4, 2003-1, 2003)~~

5.04.040: PAYMENT DATES

All license fees shall be due and payable as follows, except as may be otherwise provided in the applicable ordinance:

- A. Annual fees shall be payable before each calendar year in advance. The annual license shall date from January 1 of each year and shall expire on December 31 of each year.
- B. Annual fees shall be due on the first day of each calendar year and shall become delinquent and subject to the late penalty if not paid by February 1 each year.
- C. One-half ($1/2$) of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on the following January 1. Payment shall be due upon the date of application approval. (Ord. 2018-4; Prior code § 9-114)

5.04.050: PENALTY FOR LATE PAYMENT

If any license fee is not paid by February 1, a penalty of fifty percent (50%) of the amount of such license fee shall be added to the original amount thereof. If a license fee is not paid by the last day of February, the total license fees due shall be doubled. If any license fee is not paid by March 31, a new application must be filed with the application fee and any and all late fees. The

business license will be subject to all city, state, and/or federal codes and any other applicable rules and regulations in effect as of the date the new application is filed. (Ord. 2018-4; Prior code § 9-115)

5.04.060: APPLICATIONS FOR LICENSE

- A. All applications for license shall include:
1. The name of the person desiring a license;
 2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on;
 3. The class of license desired, if such licenses are divided into classes;
 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business, calling, trade or profession is to be carried on in any building or enclosure having such number;
 5. The period of time for which such license is desired to be issued.
- B. In the event that the license application relates to a coin operated machine or device, the application shall identify the machine or device to which it applies and the location thereof. (Prior code § 9-116)

5.04.070: CERTIFICATE

All certificates of license shall ~~be signed by the~~ **have the signature of the** licensing official and shall contain the following information:

- A. The name of the person to whom such certificate has been issued;
- B. The business name;
- C. A unique business license number;
- D. The term of the license with the commencing date and the date of its expiration;

- E. The place where such business, calling, trade or profession is to be conducted. (Ord. 2024-2, 2024; Ord. 2018-4; Prior code § 9-117)

5.04.080: DISPLAY

- A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his or her person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. In the event the license is for a coin operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued. (Prior code § 9-118)

5.04.090: TRANSFER OF LICENSE PROHIBITED

No license granted or issued under any ordinance of this municipality shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the governing body. (Prior code § 9-119)

5.04.100: REVOCATION OR DENIAL OF BUSINESS LICENSE

- A. Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked and any application denied by the governing body because of:
 - 1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the municipality.

2. Unlawful activities conducted or permitted on the premises where the business is conducted.
- B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the governing body (which shall be at least 10 days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him or her, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
 - C. The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the municipality, and such applicants need only be informed that their application has been denied. (Prior code § 9-120)

5.04.110: BRANCH ESTABLISHMENTS

A separate license must be obtained for each separate place of business in the municipality and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments. (Prior code § 9-121)

5.04.120: JOINT LICENSE

Whenever any person is engaged in two (2) or more businesses at the same location within the municipality, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business. (Prior code § 9-122)

5.04.130: RECIPROCAL RECOGNITION OF LICENSES

- A. No license shall be required for operation of any vehicle or equipment in this municipality when:
1. Such vehicle is merely passing through the municipality;
 2. Such vehicle is used exclusively in intercity or interstate commerce.
- B. No license shall be required by section 5.04.160 of this chapter of any person whose only business activity in this municipality is the mere delivery in the municipality of property sold by him or her at a regular place of business maintained by him or her outside the municipality where:
1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated; and
 2. The authority licensing such business grants to licensees of this municipality making deliveries within its jurisdiction the same privileges, upon substantially the same terms as are granted by this section; and
 3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this municipality for compliance with health or sanitary standards prescribed by this municipality; and
 4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
- C. The ~~City business license official recorder~~ shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified. (Prior code § 9-123)

5.04.140: EXEMPTIONS TO LICENSE

- A. No license fee shall be imposed on any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state of Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within this municipality who has paid alike or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in the city and doing business in such taxing unit.
- B. The license assessor and collector may, with approval of the governing body, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.
- ~~C. No license fee shall be imposed for a home based business unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. To be eligible for fee exemption, the home based business must meet the following requirements: ¶¶~~
- ~~¶¶~~
- ~~1. No customers or clients will go to the home. ¶¶~~
- ~~¶¶~~
- ~~2. No large equipment, including trailers, will be stored at the home. ¶¶~~
- ~~¶¶~~
- ~~3. Business operations will not impact the neighbors through loud noise, odors, traffic or other unusual activity. ¶¶~~
- ~~¶¶~~
- ~~Exempt home based businesses are required to complete the business license ¶¶ application and renewal processes. If an exempt home based business wants a business license certificate, an administrative fee shall be assessed as set forth by resolution. and are required to have an active business license certificate. Late fees equal to the amounts required of non-exempt businesses to cover clerical costs shall be applied to exempt home based businesses following the schedule and amounts from section 5.04.050 of this chapter. (Ord 2024-2, 2024; Ord. 2018-4, 2018)~~
- D. A business license shall not be required for a business that is operated only occasionally and by an individual who is under eighteen (18) years of age. The City ~~business license official~~Council will evaluate the size, frequency, duration, visibility and seasonality of the

proposed business to determine whether the proposed business is considered occasional. (Ord. 2024-2, 2024; Ord. 2017-7, 2017; Prior code § 9-124)

5.04.150: FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE

None of the license taxes provided for by section 5.04.160 of this chapter shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he or she may apply to the license assessor and collector for an adjustment of the tax so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony, show information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he or she shall determine whether the tax fixed by section 5.04.160 of this chapter is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the governing body a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the governing body is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the governing body shall order a refund of the amount over and above the tax fixed by the governing body. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon any method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature. (Prior code § 9-125)

5.04.160: ANNUAL FEE SCHEDULE

- A. The business, location, trade, calling or profession of every person engaged in a business in this municipality shall pay an annual license fee as set by resolution unless fee exemption is granted as defined below in this section.

- B. No license fee shall be imposed for a home-based business unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. To be eligible for fee exemption, the home-based business must meet the following requirements:

1. No customers or clients will go to the home.
 2. No large equipment, including trailers, will be stored at the home.
 3. Business operations will not impact the neighbors through loud noise, odors, traffic or other unusual activity.
- C. Exempt home-based businesses are required to complete the business license application and renewal processes. If an exempt home-based business wants a business license certificate, an administrative fee shall be assessed as set forth by resolution. Late fees equal to the amounts required of non-exempt businesses to cover clerical costs shall be applied to exempt home-based businesses following the schedule and amounts from section 5.04.050 of this chapter. (Ord 2024-2, 2024; ~~Prior code § 9-211~~)

**MILLVILLE CITY
RESOLUTION 2024-7**

FEE SCHEDULE FOR BUSINESS LICENSES

WHEREAS, on June 5, 2003, a business license fee schedule was adopted by the Millville City Council; and

WHEREAS, the Millville City Council has reviewed the fees for business licenses and determined that updates should be made; and

NOW THEREFORE, be it resolved that the Millville City Council adopts the following business license fee schedule:

- New Licenses
 - \$35 if received by City between January 1 and June 30
 - \$17.50 if received by City July 1 or later
 - \$0 for home businesses that apply for and meet home-based business fee exemption requirements as outlined in City Code 5.04.160.B
- Yearly Renewals
 - \$35
 - \$0 for home businesses that apply for and meet home-based business fee exemption requirements as outlined in City Code 5.04.160.B
 - Late fees apply to all Millville businesses (see City Code 5.04.050)
- Business License Certificate Fee
 - \$10 for replacements
 - Business license certificates will not be automatically provided for home businesses that apply for and meet home-based business fee exemption requirements as outlined in City Code 5.04.160.B. If a certificate is requested, it will be provided for a \$10 administrative fee.

The rates adopted by this resolution are to become effective as of April 11, 2024.

Passed and approved by the Millville City Council, this 11th day of April 2024.



SIGNED:



David Hair, Mayor

ATTEST:



Corey Twedt, City Recorder

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



AGENDA REPORT: BUDGET REVIEW

April 11, 2024

Background

Every quarter, the City Council reviews the fiscal year-to-date budget for an update on revenue and expenses so far in the year.

The budget review at this meeting will include the FY24 budget through the third quarter (July 2023 – March 2024). Staff will review a couple of things that should be discussed that are highlighted and then we can go through anything else the Council wants in as much detail as desired. A full budget review and revision as well as adoption of the FY25 Budget will happen over the next couple of City Council meetings as well.

Included Documents

- FY24 Budget with progress and percentage of the total through Q3

		ORIGINAL	REVIEW	
Account Description		FY24 Budget	FY24 Q3	% of Total
GENERAL	Property Tax	\$157,000	\$138,664	88%
	Sales Tax	\$380,000	\$329,305	87%
	Motor Tax	\$900	\$1,004	112%
	In Lieu Fees - UTV Recreation Fees	\$8,000	\$8,441	106%
	Comcast Franchise	\$10,000	\$7,257	73%
	Energy Sales and Use Tax	\$170,000	\$147,414	87%
	Animal Licenses	\$4,400	\$3,635	83%
	Ambulance / EMS	\$45,000	\$34,803	77%
	Fines / Court	\$2,000	\$268	13%
	Business Licenses	\$2,600	\$2,914	112%
	Sanitation	\$227,000	\$162,488	72%
	9-1-1 Service	\$27,000	\$20,331	75%
	Class "C" Roads	\$135,000	\$200,705	149%
	Appro. Fund Bal. Class "C" Rd	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	100%
	Park Impact Fee	\$32,000	\$15,990	50%
	Park Impact Appropriated FB	\$0	\$0	100%
	Road Impact Fee	\$10,500	\$5,280	50%
	Road Impact Appropriated FB	\$0	\$0	100%
	Restaurant/RAPZ Tax Awarded	\$30,200	\$0	0%
	Youth Council	\$800	\$1,655	207%
	Park Rentals	\$8,000	\$9,375	117%
	Building Permits	\$6,500	\$6,313	97%
	Development Review Fees	\$3,000	\$2,313	77%
	Reimbursed Fees; Eng. & Dev.	\$5,000	\$6,802	136%
	Interest	\$25,000	\$68,677	275%
	COVID Grants (CARES or ARPA)	\$0	\$0	100%
	COG Grant (reimbursement)	\$234,900	\$27,078	12%
Donations	\$200	\$300	150%	
Misc. Revenue	\$100	\$4,660	4660%	
Mass Transit Sales Tax/CVTD	\$36,000	\$0	0%	
TOTAL GENERAL	\$1,561,100	\$1,205,673	77%	

STORM WATER	Charges for Stormwater	\$33,500	\$25,369	76%
	Stormwater Construction Fees	\$1,600	\$2,590	162%
	Interest	\$2,000	\$3,371	169%
	Transfer from General Fund	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	100%
	TOTAL STORMWATER	\$37,100	\$31,330	84%

	ORIGINAL	REVIEW	
Account Description	FY24 Budget	FY24 Q3	% of Total

CPT PROJ.	Interest	\$20,000	\$52,808	264%
	Appropriated Fund Balance	\$0	\$0	100%
	Transfer from General Fund	\$147,200	\$0	0%
	TOTAL CAPITAL PROJECT	\$167,200	\$52,808	32%

WATER & SEWER	Charges for Water Service ...	\$490,000	\$368,053	75%
	Miscellaneous Income	\$14,000	\$8,546	61%
	Interest	\$38,000	\$58,830	155%
	Interest Income (Sewer Loans)	\$270,000	\$190,850	71%
	Water Impact Fee	\$18,300	\$9,150	50%
	Water Connection Fees	\$1,000	\$1,275	128%
	Residential Sewer Fees	\$43,300	\$0	0%
	Charges for Sewer Service	\$19,000	\$223,706	1177%
	Sewer Impact Fee	\$52,500	\$26,280	50%
	Grant Proceeds (Water)	\$0	\$0	100%
	Grant Proceeds (Sewer)	\$0	\$0	100%
	Debt Proceeds (Water)	\$0	\$0	100%
	Debt Proceeds (Sewer)	\$0	\$14,731,000	-%
	Transfer from General Fund	\$0	\$0	100%
	Transfer from Capital Project Fund	\$0	\$0	100%
Appropriated Fund Balance	\$5,764,800	\$0	0%	
TOTAL WATER AND SEWER	\$6,710,900	\$15,841,530	236%	

TOTAL	\$8,476,300	\$17,131,341	202%
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MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW	
Account Description		FY24 Budget	FY24 Q3	% of Total
GENERAL	General Government	\$44,500	\$16,146	36%
	Auditor (General) ...	\$16,000	\$9,361	59%
	Financial Consulting & IT (General) ...	\$14,000	\$11,961	85%
	Insurance (General)	\$20,000	\$19,019	95%
	Elected Officials (General)	\$21,500	\$19,500	91%
	General Non-Category Payroll	\$91,700	\$62,838	69%
	P&Z ...	\$9,500	\$3,159	33%
	Legal (General) ...	\$14,000	\$3,015	22%
	Engineering (General) ...	\$30,000	\$9,129	30%
	Building (General) ...	\$12,500	\$5,355	43%
	Law Enforcement	\$29,000	\$28,792	99%
	Animal Control ...	\$3,800	\$3,776	99%
	Fire	\$29,000	\$0	0%
	First Responders and EMS	\$43,200	\$22,104	51%
	Elections ...	\$7,300	\$0	0%
	Roads - General ...	\$131,200	\$99,295	76%
	Roads Class "C" Regular ...	\$46,000	\$7,756	17%
	Roads Class "C" Capital Outlay	\$0	\$0	100%
	Class "C" Designated Future Use	\$89,000	\$0	0%
	COG Road Project (Reimbursable)	\$234,900	\$97,416	41%
	Road Impact Fee Capital Outlay	\$0	\$0	100%
	Road Impact Fee Designated Future	\$10,500	\$0	0%
	Parks (General) ...	\$136,000	\$120,339	88%
	Parks/Recreation - Other ...	\$17,500	\$9,129	52%
	Park Capital Improv. RAPZ (Reimbursable)	\$31,900	\$0	0%
	Park Impact Fees ...	\$10,300	\$0	0%
	Park Impact Fees - Designated Future	\$21,700	\$0	0%
	Sanitation	\$220,000	\$139,886	64%
	9-1-1 Service	\$27,000	\$19,967	74%
	Disaster Relief	\$4,000	\$0	0%
	Public Safety/Emergency Preparedness ...	\$6,000	\$335	6%
	Youth Council ...	\$5,900	\$3,485	59%
	Designated for Future Use	\$0	\$0	100%
Mass Transit Tax Distribution/CVTD	\$36,000	\$0	0%	
Transfer to Capital Project Fund	\$147,200	\$0	0%	
Transfer to Water-Sewer Fund	\$0	\$0	100%	
TOTAL GENERAL	\$1,648,100	\$711,762	43%	

MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW	
Account Description		FY24 Budget	FY24 Q3	% of Total

STORM WATER	Salaries/Benefits	\$20,800	\$17,983	86%
	Special Dept. Supplies (SW) ...	\$9,000	\$1,919	21%
	Capital Outlay	\$7,300	\$0	0%
	Appropriated for Future Use	\$0	\$0	100%
	TOTAL STORMWATER	\$37,100	\$19,902	54%

CPT PROJECT	Capital Outlay - Gen Government	\$105,000	\$5,850	6%
	Capital Projects	\$0	\$0	100%
	Transfer to Water-Sewer Fund	\$0	\$0	100%
	Designated Future Use	\$62,200	\$0	0%
	TOTAL CAPITAL PROJECT	\$167,200	\$5,850	3%

WATER & SEWER	General (Water) ...	\$64,900	\$35,620	55%
	Salary/Benefit (Water) ...	\$154,500	\$87,144	56%
	Legal (Water) ...	\$10,000	\$1,201	12%
	Engineering (Water)	\$11,000	\$0	0%
	Auditor (Water) ...	\$12,000	\$9,735	81%
	Financial Consulting & IT (Water) ...	\$8,500	\$516	6%
	Insurance (Water)	\$9,000	\$7,963	88%
	Special Department Supplies - Water ...	\$44,000	\$31,615	72%
	Special Department Supplies - Sewer	\$200	\$169	84%
	City Sewer/Nibley	\$12,000	\$4,932	41%
	ARPA	\$118,800	\$118,287	100%
	Sewer Capital Projects	\$6,094,000	\$6,557,405	108%
	Water Bond (2006)	\$92,000	\$91,502	99%
	Bond (2000) - Parker Well	\$45,000	\$33,570	75%
	USDA Sewer Rev Bond Principal	NA	\$14,423,242	-%
	USDA Sewer Rev Bond Interest	NA	\$197,316	-%
	Cap. Facility Rplcmnt Fund Reserve	\$35,000	\$0	0%
Designated for Future Use - Water	\$0	\$0	100%	
Designated for Future Use - Sewer	\$0	\$0	100%	
TOTAL WATER AND SEWER	\$6,710,900	\$21,600,216	322%	

TOTAL	\$8,563,300	\$22,337,729	261%
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Councilmember Assignments 2024

Councilmember Daniel Grange

- Car Show for City Celebration
- Parks

Councilmember Ryan Zollinger

- Sewer
- School District

Councilmember Clay Wilker

- Ordinance Enforcement
- Fire/EMS/Emergency Preparedness
- Law Enforcement/Animal Control

Councilmember Pamela June

- P&Z
- Youth Council
- Wildfire

Councilmember Jeremy Ward

- City Celebration/Parade
- Trails