

NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold its regularly scheduled Council Meeting on Thursday, September 12, 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 – August 8, 2024
5. Agenda Items—
 - A. Public comment period (2 min/person)
 - B. Millville City Youth Council Introductions – Elisha Helpingstine
 - C. Swearing in of Millville City Youth Council – Recorder Twedt
 - D. Off-Highway Vehicle (OHV) Discussion and consideration of ordinance updating City Code Section 10.16 for OHV Regulations – Councilmember Zollinger
 - E. Consideration of resolution accepting the Mill Creek Lot 6 Subdivision – Development Coordinator Everton
 - F. Consideration of resolution updating fee for returned checks – Recorder Twedt
 - G. Elected official development restrictions discussion – Councilmember June
 - H. Discussion on the prohibition of Public Infrastructure Districts (PIDs) – Councilmember June
 - I. Online bill pay, utility bill mailing, utility billing software – Development Coordinator Everton and Treasurer Dyer
 - J. Pickleball and tennis court lighting – Recorder Twedt
 - K. Discussion on new pavilion for South Park – Mayor Hair
 - L. Report on P&Z meeting held September 5, 2024 – Development Coordinator Everton
 - M. Overnight parking on roads near Ridgeline High School – Mayor Hair
 - N. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - O. 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 September 9, 2024, 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
August 8, 2024

PRESENT: David Hair, Daniel Grange, Pamela June, Ryan Zollinger, Jeremy Ward, Corey Twedt, Megan Dyer, Kara Everton, Dennis Webster, Aaron Young, Elise Wright, Joseph Johnson, Makenna Peterson, Hope Spaulding, Isaac Eastmond, Gabriel Murray, Kristin Howell, Chris Howell, Joe Fuhriman, Melia Richards, Eric Richards, Bonnie Farmer, Jacob Ames, Darcy Riplinger, Alex Bearnson

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for August 8, 2024, at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Jeremy Ward, Ryan Zollinger, and Daniel Grange were in attendance with Councilmember Clay Wilker excused.

Opening remarks/Pledge of Allegiance

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

Approval of agenda

The agenda for the City Council Meeting of August 8, 2024, was reviewed.

Councilmember Zollinger motioned to approve the agenda for August 8, 2024.

Councilmember June seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker 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 July 11, 2024.

Councilmember June moved to approve the minutes for July 11, 2024.

Councilmember Grange seconded. Mayor Hair added a few words to clear up the context regarding complaints received about the baseball field lights. He also made a grammatical correction. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused.

Public comment period

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

Consideration of appointing and swearing in Megan Dyer as the Millville City Treasurer

Mayor Hair introduced Megan Dyer to the members of the City Council who didn't know her. He said that Megan had trained with Tara Hobbs for over a month and has now been doing the Treasurer job for the past couple of weeks. Recorder Twedt said that both Megan and Kara had been doing a great job at getting everything figured out.

Councilmember Grange motioned to appoint Megan Dyer as the Millville City Treasurer. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused.

Recorder Twedt then swore in Megan Dyer as the Millville City Treasurer.

Ridgeline High School student representatives

Representatives from the Ridgeline High School Student Body Presidency presented their homecoming plans to the City Council. Homecoming will be the week of September 23rd this year. It was also discussed that the Alumni Association would like to put flags in the roundabout near the school. The consensus from the Council was that all of this would be fine. Mayor Hair thanked the students for coming.

Request for installation of “little libraries”

Melia Richards said that she and a friend would like to build and install some mini-libraries at a few locations in Millville. Melia said that she thought the post office would be a good location for one of the libraries. The Council said that they thought this was a good idea, but that it would need to be located on the City right-of-way. The North Park was discussed as another possible location for a mini library. Recorder Twedt said that it would be best to check in with the public works department before finalizing locations. Recorder Twedt said that Roxie Hancey had dropped off a library box that was sitting upstairs that Melia could use if she was interested.

Councilmember Ward motioned to allow the installation of library boxes on City property. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused.

Consideration of ordinance updating City Code Section 13.20 – Sewer Policy

Recorder Twedt reviewed the ordinance including the proposed code updates. There was some brief discussion on the timeline requirements for connection to the sewer system.

Councilmember Ward motioned to adopt Ordinance 2024-4. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with

Councilmember Wilker excused. (A copy of the adopted ordinance is included with the minutes as Attachment "B".)

Consideration of ordinance to add City Code Section 5.18 for Microschools

Recorder Twedt reviewed the ordinance including the new proposed code. He said that in addition to the microschool group that was looking to purchase a home in Millville, Hyrum and Providence have received similar requests. There are some new things in State Code that limit the controls a City has over a microschool in a residential or any other zone within a City. Providence City adopted some code recently to at least have some regulations in place. The code before the Council tonight was only slightly modified from what Providence adopted.

Recorder Twedt said that Development Coordinator Everton attended the meeting in Hyrum when it was discussed and both he and Coordinator Everton watched the results from the Providence meeting as well. Development Coordinator Everton called and spoke with the sponsoring State Senator to get a better understanding of the legislation. Although this code being proposed in Millville may not have everything we might eventually want to cover and it will likely change with future legislation from the State, the staff thinks that it would be good for Millville to have something in place so that we can make sure we can manage what we are able to manage and limit the negative impacts to existing residents in Millville if a microschool decides to come here.

Councilmember Zollinger motioned to adopt Ordinance 2024-5. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. (A copy of the adopted ordinance is included with the minutes as Attachment "C".)

Consideration of resolution accepting the Canyon Breeze Subdivision (approx. 587 S. 550 E.)

Mayor Hair reviewed the resolution for acceptance of the Canyon Breeze Subdivision. Development Coordinator Everton clarified that Planning and Zoning had recommended approval. She said that all fees had been paid and the City Engineer had given final approval.

Councilmember Grange motioned to adopt Resolution 2024-14. Councilmember June seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. (A copy of the adopted resolution is included with the minutes as Attachment "D".)

Consideration of resolution accepting the Millville City Background Check Policy

Recorder Twedt explained that new State Code required background checks for employees and volunteers who deal with youth and vulnerable adults. For Millville City, that applies to the Youth Council advisors. Recorder Twedt said that he has been working through the

process to get the City certified to be able to do those background checks at the Utah Bureau of Criminal Identification (BCI). This is now in place. The City should have a policy indicating who needs to receive a background check.

Councilmember Zollinger motioned to adopt Resolution 2024-13. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. (A copy of the adopted resolution is included with the minutes as Attachment “E”.)

Consideration of resolution accepting the FY24 Fraud Risk Assessment

Recorder Twedt reviewed with the Council the fraud risk assessment for fiscal year 2024.

Councilmember June motioned to adopt Resolution 2024-15. Councilmember Ward seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. (A copy of the adopted resolution is included with the minutes as Attachment “F”.)

Consideration of Boundary Line Adjustment to move three parcels owned by Seth Alder Farm LLC from Millville City into Providence City

Mayor Hair said that the City Council and the Planning Commission had spent a lot of time working on this and talking it through. He said that it is a tough decision, but the Council needs to now decide on the boundary line adjustment (BLA) request.

Councilmember Ward said that he was against the boundary line adjustment. He briefly discussed SB 174 and the limitations it puts on city council control over development. He said that he feels Millville will hit the 5,000 population benchmark regardless and he wants the development to take place in Millville.

Councilmember June discussed some research she had done on Public Infrastructure Districts (PIDs). She said that she doesn’t think PIDs are constitutional. She said that if they were to keep the parcels in Millville, they could at least stop the PID from happening. Councilmember June said that she feels that if they were to allow the parcels to move into Providence for a PID there, Millville would be complicit. She said that her vote would be to deny the BLA and not make changes to Millville zoning for high-density.

Councilmember Zollinger said that today they just need to decide if they should allow the BLA. He said that he agrees and is not a fan of a PID.

Councilmember Ward motioned to deny the Boundary Line Adjustment request. Councilmember Zollinger seconded. Councilmembers Ward, June, and Zollinger voted yes. Councilmember Grange voted no. Councilmember Wilker was excused. (A copy of the related staff report is included with the minutes as Attachment “G”.)

Consideration for providing a letter of support for the Elkhorn Ranch Phase 2 Conservation Easement Project

Mayor Hair turned the time over to Gabriel Murray from the Bear River Land Conservancy group. Gabriel explained that the mission of their organization is to preserve land, open space, and wildlife habitat. He said that this is generally done through a conservation easement. They are working with the Fuhriman family to place a conservation easement on the remainder of their property.

It was clarified that City approval was not needed for the County to provide money from the open-space bond. They were here to request a letter of support for additional funding from the Leroy McAllister Working Farm and Ranch Fund which does require the entity wherein the property was located to provide a letter of acknowledgment and support.

Councilmember Ward motioned to approve a Millville City letter of support for the Elkhorn Ranch Phase 2 Conservation Easement Project for the Leroy McAllister Organization. Councilmember Grange seconded. Councilmembers Ward, June, and Grange voted yes. Councilmember Zollinger voted no. Councilmember Wilker was excused.

Traffic issues on 550 North Road (west of Main Street)

Recorder Twedt said that the Sheriff's Department had been able to put their speed tracking sensor in place and monitor traffic on 550 North from July 13th – July 21st. The front page of that report was provided in the agenda packet. There was some speeding on that road with a top speed of 45 mph one morning at 9 a.m. The average speed was 26.79 mph, but that probably isn't very telling, because you have residents that live there that are going in and out of their driveways at hopefully slower speeds which would bring down that average. The 85th percentile number shows a speed of 31 mph. This is more representative of the majority of traffic on that road. What that means is that 85% of the traffic was traveling at 31 mph or slower.

After the last meeting, Councilmember Wilker and Recorder Twedt met with Sheriff Jensen and Lieutenant Ramirez from the Sheriff's Department. Then, Recorder Twedt had a phone call with Sergeant Batt and met with Deputy Gerke. In all of these meetings, Millville City has discussed the concerns with speeding on 550 North as well as some other areas in the City and asked for tickets to be written for speed violations. The Sheriff's Department has assured staff that they will increase their efforts in these key areas in Millville.

Recorder Twedt said that he is still looking into grants where the City could get some traffic sensors that display how fast drivers are going that could be used in this and other areas of the City.

The consensus of the Council was that they would prefer not to close the road.

Councilmember Grange motioned to not close the road and to enforce traffic violations with law enforcement. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. (A copy of the related staff report is included with the minutes as Attachment "H".)

Consideration for the appointment of Lynette Dickey to another term on the Planning Commission

Councilmember June said that she thinks Lynette continues to do a great job in Planning and Zoning. She has spoken with Lynette who is interested in serving one more term.

Councilmember June motioned to appoint Lynette Dickey to serve another term on the Planning Commission. Councilmember Grange seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused.

Recorder Twedt said he would attend a future Planning and Zoning meeting to swear in Commissioner Dickey.

Parking enforcement on the street southwest of Ridgeline High School

Recorder Twedt said that the Council had previously denied the request from the school district for additional parking on that narrow road because of safety issues and that it would be on top of an already crowded bike lane. The Council had requested that it be back on the agenda tonight to discuss parking enforcement for that road. Recorder Twedt had created a map showing the existing signs.

The Council clarified that they would like to restrict street parking on that entire road because of safety concerns and complaints from the nearby residents. Recorder Twedt said that he had spoken with Public Works Director Kendrick and they will be looking into painting the curb red in the future, but for now, the quickest way to enforce the no parking restriction would likely be to put up signs. (A copy of the related staff report is included with the minutes as Attachment "I".)

Cemetery Water

Councilmember Grange requested that this agenda item be pushed to the next City Council meeting to allow more time for conversations with the Cemetery Board and so that Director Kendrick could be involved. Mayor Hair said that they would move this to the next City Council meeting.

Councilmember Grange left at this time.

Report on P&Z Meetings held July 18, 2024 and August 1, 2024

Development Coordinator Everton reviewed with the Council the Planning Commission's minutes for the meetings.

Councilmember Reports and Items for Future Agendas

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

Councilmember Ward said that he hadn't been able to attend the last Food Truck Friday, but he was told that it went well and residents had enjoyed the karaoke singing. He said that the next event would be a week from tomorrow. There would be live music, food trucks, and star gazing.

Councilmember June said that following the work session last week wherein the Alder development was discussed, she had been involved in a discussion about conflicts of interest more generally. Recorder Twedt had provided her with some of the background and the ordinance adopted by Nibley restricting elected officials from developing property in the City while they were serving in their positions. Councilmember June said that she wanted to discuss this and get the thoughts from the rest of the Council. The consensus of the Council was to put this on the agenda for a future meeting to discuss possible changes to the Millville Conflict of Interest Policy.

Councilmember Zollinger discussed a recent accident and expressed his concerns about the number of kids on side-by-sides and dirt bikes driving on City streets in Millville. He said that there is a general lack of respect and accountability and he is worried there are going to be injuries. He asked that this be a discussion item at the next City Council meeting so they could talk through things. Mayor Hair said that he would add it to his message in the newsletter and invite residents to join the discussion.

Recorder Twedt said that he had completed the grant application for COG funding for the intersection project and that it had been submitted yesterday.

Recorder Twedt said that because of some changes with the mailing company the City uses for the monthly utility bills, the bills had gone out later than usual last month. This means that customers would have about 16 days after receiving the bills until the due date on August 10th. He asked the Council if they thought that was enough time or if an extension should be provided. Treasurer Dyer said that with the 10th falling on a weekend, they could wait until after the 12th before payments were considered late. The Council agreed that this would be fine.

Mayor Hair said that he wanted to say that he feels that Millville has the best Planning Commission, City Council, and staff in Cache Valley and that he appreciates all that they do. Councilmember Zollinger expressed his gratitude for Mayor Hair and what he does for the City.

Adjournment

Councilmember Zollinger motioned to adjourn the meeting. Councilmember June seconded. Councilmembers Ward, June, Grange, and Zollinger voted yes with Councilmember Wilker excused. The meeting adjourned at 8:39 p.m.

DRAFT



AGENDA REPORT: OHV DISCUSSION & CODE UPDATES September 12, 2024

Background

As requested by Councilmember Zollinger at the City Council meeting held on August 8, 2024, the Council will discuss safety concerns with Off-Highway (OHV) Vehicles at the September City Council meeting.

In researching recent updates to Utah State Code, there are some updates that should be made to Millville City OHV Code. These updates are minor, but clarify who is required to hold a Utah OHV Education Certificate

Included Documents

- Ordinance 2024-6 including a marked-up version of City Code Section 10.16 showing proposed revisions
- Utah OHV Educational Course Flyer
- Utah OHV Law Highlight brochure

**MILLVILLE CITY
ORDINANCE 2024-6**

OFF HIGHWAY VEHICLE (OHV) CODE UPDATES

WHEREAS, the Millville City Council has determined a need to establish City Code governing the operation of Off Highway Vehicles (OHVs) on the streets of Millville City; and

WHEREAS, Millville City Code Chapter 10.16 outlines the policy for OHV use on Millville City roads; and

WHEREAS, City Code Chapter 10.16 has been reviewed and it has been determined that some updates are needed; and

WHEREAS, the Millville City Council discussed modifications to the existing OHV Code in a public meeting held on September 12, 2024;

NOW, THEREFORE, The Millville City Council hereby adopts, passes, and publishes the modifications shown in the included attachment for City Code Chapter 10-16 – Off Highway Vehicles.

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

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 12th day of September 2024.

MILLVILLE CITY

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

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

POSTED: _____

MILLVILLE CITY CODE
TITLE 10 - VEHICLES AND TRAFFIC
CHAPTER 10.16 - OFF HIGHWAY VEHICLES

[10.16.010: DEFINITIONS](#)

[10.16.020: OPERATION ON CITY STREETS](#)

[10.16.030: EQUIPMENT](#)

[10.16.040: PUNISHMENT AND FINES](#)

10.16.010: DEFINITIONS

ADULT SUPERVISION: Direct supervision by an adult who is at least eighteen (18) years of age.

GOLF CART: Is a three (3) or four (4) wheeled vehicle with a seating capacity of two (2) to four (4) persons, originally designed and produced for operation on golf courses.

IMPLEMENT OF HUSBANDRY: Every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

OFF HIGHWAY VEHICLE OR OHV: Any snowmobile, all-terrain vehicle (ATV) or off road motorcycle as defined by Utah code 41-22-2. This term does not include any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, any vehicle licensed by the state of Utah for on highway use, or farm machinery including OHVs registered as an implement of husbandry when operated in accordance with Utah code 41-22-5.5.

OPERATE: To control the movement of or otherwise use an off highway vehicle.

OPERATOR: The person who is in actual physical control of an off highway vehicle.

OWNER: A person, other than a person with a security interest, having a property interest or title to an off highway vehicle and entitled to the use and possession of that vehicle.

RECREATIONAL OPERATION: Passing the same point more than three (3) times in a one hour period.

ROADWAY: That portion of highway improved, designed, or ordinarily used for vehicular travel. "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human powered vehicles.

STREET OR HIGHWAY: The entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel including sidewalks, berms, and shoulders.

UTAH OHV EDUCATION CERTIFICATE: An OHV operator's license issued by the state of Utah to OHV operators ~~age twelve (12) and older~~ that have successfully completed a prescribed course of instruction on OHV use. ~~There are different certificates for each type of OHV (motorcycle, ATV, snowmobile, etc.).~~ (Ord. 2024-6, 2024; Ord. 2008-5, 2008)

10.16.020: OPERATION ON CITY STREETS

- A. Any person operating an OHV on the streets of Millville City is subject to the provisions of all applicable traffic ordinances, except where superseded by this chapter.
- B. Any person operating an OHV on the Millville City streets must meet one of the following licensure requirements:
 1. OHV operators of all ages must have in their possession a Utah OHV education certificate. Operators age ~~fifteen~~sixteen (16) and older must have in their possession a valid state driver's license/learner's permit or Utah OHV education certificate for the OHV type they are operating.
 2. Operators ~~under the age of between~~ the ages of twelve (12) and sixteen (16) must have in their possession a Utah OHV education certificate for the OHV type they are operating and be under adult supervision. This section pursuant to Utah code 41-22-30. Operators age fifteen (15) may substitute a valid Utah driver learner's permit for the adult supervision requirement.
 3. Golf carts may be operated with a valid state driver's license or learner's permit or under adult supervision.

4. Operators whose OHV is registered as an implement of husbandry are exempt from these licensure requirements, provided said operation is in accordance with Utah code 41-22-5.5.
- C. This chapter designates all Millville City streets except Main Street (County Highway 238) as OHV routes per Utah code 41-22-10.5. Crossing Main Street is permitted pursuant to Utah code 41-22-10.3.
- D. An OHV shall not be operated on Millville City streets in excess of a speed of twenty (20) miles per hour.
- E. OHVs may only be operated on Millville City roadways and undeveloped shoulders. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited unless allowed by the property owner. OHV use is expressly prohibited within the boundaries of Millville City parks.
- F. No person under the age of eighteen (18) shall operate or ride as a passenger on an OHV within Millville City without wearing protective headgear pursuant to Utah code 41-22-10.8.
- G. An OHV operated within Millville City must have at all times headlights and taillights functioning. Where an OHV is not equipped with a headlight and taillight, a safety flag defined by Utah code 41-22-10.7 may be substituted in the place of headlights and taillights. Operating an OHV between one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise without a headlight and taillight functioning is not permitted. Proper signaling must be used when stopping or turning.
- H. No person may operate an OHV within Millville City in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive noise, water or air pollution, abuse of land or watershed including littering, or impairment of plant or animal life.
- I. Snowmobiles may only be operated on Millville City streets when sufficient snow or ice is present to preclude damage to roadways and shoulders by the snowmobile's steering and propulsion systems.
- J. Recreational operation of an OHV within Millville City is not permitted. (Ord. 2024-6, 2024; Ord. 2008-5, 2008)

10.16.030: EQUIPMENT

An OHV operated on Millville City streets must be equipped with:

- A. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.
- B. Headlights and taillights or a safety flag per subsection 10.16.020G of this chapter.
- C. An unmodified noise suppression device and United States forest service approved spark arrester. Spark arresters are not applicable for snowmobiles. This subsection is not applicable to vehicles relying solely on electricity for propulsion. (Ord. 2008-5, 2008)

10.16.040: PUNISHMENT AND FINES

Any person who violates any provision of this chapter, upon conviction, is guilty of a class C misdemeanor. The fine for any violation of this chapter is seventy five dollars (\$75.00) for the first instance. Fines double for each subsequent violation (e.g., \$150.00, \$300.00, \$600.00, etc.) within a two (2) year period. Punishments related to this chapter may not take precedence over punishments and fines charged for violating other Millville City, county, state or federal ordinances, but may be assessed in addition to fines levied by violating this chapter. (Ord. 2008-5, 2008)

Utah Off-highway Vehicle (OHV) Education Requirements

Utah's new law requires all OHV operators to complete an OHV education course before operating on public land

Purpose:

- Equip operators with awareness of Utah's OHV laws and rules;
- Increase rider safety;
- Promote respectful, sustainable, and on-trail OHV operation;
- Promote respect for communities affected by OHV operation

Course Required for Every OHV Operator

Age 18+

- **Free** Online Course
- Complete in 15 - 30 minutes
- Required once and will last for life
- Print or save digital certificate for proof

Age <18

- Required to take the existing, separate online Youth OHV Safety Course - \$35
- Or, take an approved in-person hands-on skills course and exam

Types of OHV with Course Required:



Type I ATV



Type II UTV or Side-by-Side



Type III OHV (unregistered)



Off-Highway Motorcycles (OHM)

All Street Legal Off-highway Vehicles

Rentals

- Cannot rent an OHV unless the operator has completed the course



Non-resident Visitor

- Must complete the course before operating in Utah
- Purchase an annual non-resident OHV permit for each machine

Exemptions:

- Snowmobile operators
- Implement of husbandry
- Guided tours
- Sanctioned OHV events

Course Now Available



ohv.utah.gov

Division of Outdoor Recreation



Utah OHV Law Highlights



**Utah State Parks
Off-Highway Vehicle Program**



OHV Program Policy Declaration

It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

Utah Code 41-22-1

Table of Contents

1. Utah OHV Laws and Rules	
A. Definitions	3
B. Registration	5
C. Non-Resident Permits	5
D. Street Legal ATVs	5
E. Education	6
F. Direct Supervision of Youth	6
G. Helmet Requirements	7
H. Equipment Requirements	7
I. Driving Under the Influence	8
J. Operating Areas	8
2. Courtesy and Ethics	9
3. Safety Tips	10
4. Trip Planning Checklist	11
5. Avalanche Awareness	12
6. Trail Host Program	12



Definitions

Off-Highway Vehicle (OHV) - Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

All-terrain Type I Vehicle (Type I ATV) - Any motor vehicle 52 inches or less in width, having an un-laden dry weight of 1500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

All-terrain Type II Vehicle (Type II ATV) - Any motor vehicle other than a Type I ATV, snowmobile, or motorcycle designed for or capable of travel over unimproved terrain. Does not include golf carts, any vehicle specifically designed to carry a disabled person, any vehicle not designed specifically for recreational use, or farm tractors. (DOES include go-carts, sand rails, dune buggies, etc.)

Motorcycle - Any motor vehicle having a saddle for the use of the operator and designed to travel on no more than two tires.

Snowmobile - Any motor vehicle designed for travel on snow or ice and steered, and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

Motor Vehicle - Any vehicle which is self-propelled.

Low-pressure Tire - Any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

Operate - To control the movement of, or otherwise use an off-highway vehicle.

Operator - The person who is in actual physical control of an off-highway vehicle.

Owner - A person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

Public Land - Land owned or administered by any federal or state agency or any political subdivision of the state.

Cross Country - Across natural terrain and off an existing highway, road, route, or trail.

Register - The act of assigning a registration number to an off-highway vehicle.

Street or Highway - The entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.



Registration

Any OHV operated or transported on public lands, roads or trails in the state of Utah must display a current OHV registration sticker. OHV registrations expire annually on the last day of the month the OHV was purchased. All OHV registrations are handled by the Utah Division of Motor Vehicles (DMV).

OHVs used on farms and ranches - or for other agricultural purposes - may be registered as an implement of husbandry. However, if the OHV is used for recreation on public lands, roads or trails, it shall also be registered for that purpose.

After receiving appropriate registration fees, the DMV will issue a registration sticker to the owner of the OHV. The sticker must be attached to the OHV in a visible location as follows:

- Motorcycles - On the left fork.
- ATVs - On the rear of the vehicle.
- Snowmobiles - On the left side of the pan, tunnel or hood.
- *All other off-highway vehicles* - On the rear of the vehicle.

Non-Resident Permits

Visitors from out-of-state are required to purchase a Non-Resident Permit for each OHV they bring into Utah. These permits can be purchased online at ohv.utah.gov, or in person. To find an in-person location, visit our list of permit vendors at: stateparks.utah.gov/activities/off-highway-vehicles/non-resident-ohv-permits/

Street Legal ATVs

Both Type I and Type II ATVs may be modified to become street legal and operate on designated public highways. For further information on requirements, visit highwaypatrol.utah.gov/safetyinspection

Education Requirements

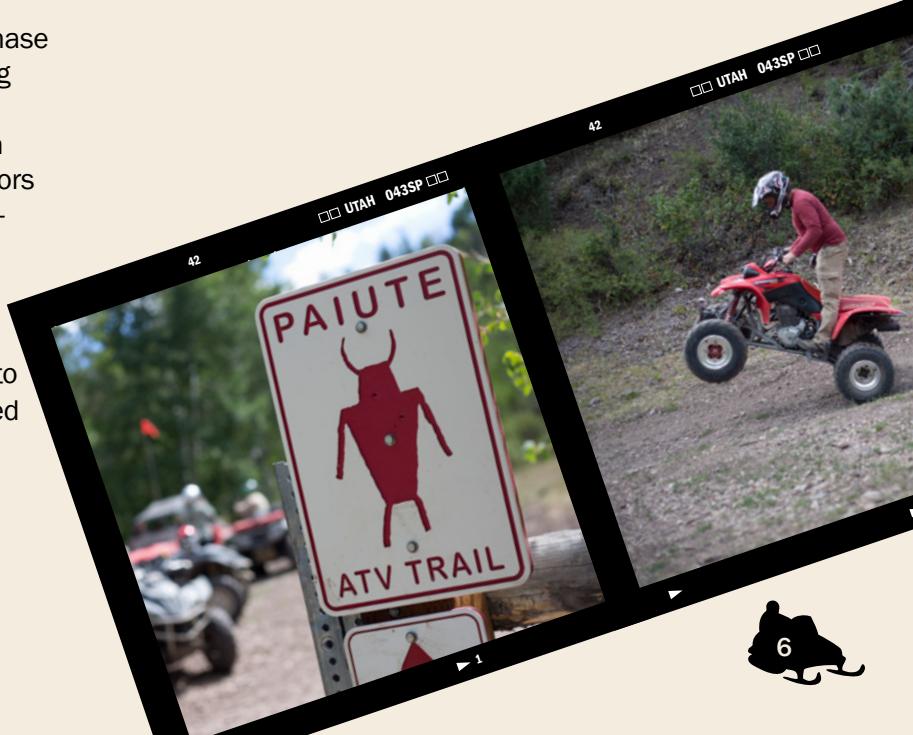
Get educated! In Utah, youth operators between the ages of 8 and 15 must possess an OHV education certificate in order to operate an OHV on any public land, roads, or trails. Riders who are 16 or older may operate an OHV if they possess either a valid driver license or an approved education certificate.

A separate education certificate is required to operate snowmobiles. Visitors wishing to operate in Utah must possess a Utah State Parks OHV education certificate or equivalent from their home state. To get your child certified, visit ohv.utah.gov.

Adults, We Need Your Help!

Do you know a rider under 18 years old? That rider needs to be under direct adult supervision when they are riding on public land, trails, streets, or highways open to OHV use. This helps to ensure these young riders are staying safe and following the law.

When supervising, be sure the rider can be seen at a distance of 300 feet at most. This allows you to give advice and assistance if they need it.





Get Your Head in Gear! Helmet Requirements

A helmet is the most important piece of safety gear available. Helmets are required for OHV operators and passengers under 18 years old who are riding Type I ATVs, off-highway motorcycles, or snowmobiles.

These helmets must be properly fitted, fastened, and have at least a "DOT Approved" safety rating, for motorized use. We strongly encourage everyone wear a helmet, even when it is not required.

Equipment Requirements

In Utah, we have specific equipment requirements to make sure that every OHV is in good working order. These include:

- Brakes adequate to stop and hold the machine.
- A headlight and taillight while being operated between sunset and sunrise.
- A muffler and spark arrestor. Snowmobiles are exempt from the spark arrestor requirement.
- All OHVs must have a red or orange safety flag attached in designated sand dunes. These flags must be at least 8 feet off level ground. Off-highway motorcycle operators can have a safety flag attached to their protective headgear with the flag at least 18 inches above their head.

Driving Under the Influence

OHVs are considered motor vehicles, so drug and alcohol restrictions apply. Driving under the influence of drugs and/or alcohol can result in stiff penalties such as fines, driver license restrictions, suspensions, jail time, and even impoundment of your OHV.

Operating Areas

Registered OHVs may be operated on public lands, roads, or trails that are signed or designated open to OHV use.

Along with Utah State Parks, the U.S Forest Service, U.S. Bureau of Land Management, and other federal and state land managing agencies, are responsible for designating OHV opportunities on these lands.

It is the operator's responsibility to know which areas are open to OHV use. Wilderness areas are off limits to all motorized travel. Most agencies provide travel maps indicating where OHV use is allowed. If you have questions, contact the local land managing agency for current trail maps and riding information.

Always respect private property by obtaining written permission from the landowner before entering.

Courtesy & Ethics

Each rider must be a good ambassador for the sport. Generally, this means learning to share the trails with other users, as well as learning to take proper care of the environment where they ride.

- Protect riding privileges by staying on the trail. Avoid riding in wet meadows, on stream banks, or on steep erodible slopes.
- Avoid riding over small trees and shrubs. Trampled vegetation not only looks bad, but also damages critical wildlife habitat and contributes to soil erosion.
- Always yield the right of way to non-motorized trail users. When encountering other hikers or horses on the trail, pull over and shut off the engine. Remove your helmet and let them pass.
- Ride in the middle of the trail to avoid widening it. Trail widening is unsightly and expensive to repair. Help keep our trails beautiful.
- Do not alter the manufacturer's muffler system. Loud exhaust systems are annoying to others using our public lands.
- Honor seasonal and permanent trail closures.
- When overtaking others, follow at a safe distance until they provide a signal to pass. Be courteous while passing. A little bump of the throttle can leave a shower of gravel and cloud of dust behind you.
- Never harass wildlife or domestic animals while riding. Always view wildlife from a respectful distance.
- Pack it in, pack it out.
- Wash machines after each ride to avoid spreading noxious weeds to new areas.

Safety Tips

By following a few simple rules, OHV riders can make certain every trip is safe and enjoyable. We recommend the following safe riding guidelines:

- Always ride in control. Never attempt anything beyond your skill level or machine capability.
- Always wear appropriate safety gear. At a minimum, this should include a helmet, shatter resistant eye protection, long sleeves, long pants, gloves, and boots covering the ankle.
- Only carry passengers if an OHV is specifically designed to do so. Off-road motorcycles and most ATVs are designed to be ridden by only one rider. Carrying passengers can alter the balance of the machine and lead to loss of control.
- Always let someone know where you are going, or take someone with you.
- Riders should be able to straddle the machine with a slight bend in the knee when both feet are on the footrests. They should also be able to adequately reach the controls while turning. Riding a machine that is too big is a common cause of injury.
- Be prepared for an emergency. Always carry a first-aid kit, survival equipment, tool kit, and spare parts when you ride. Don't forget extra water and fuel.
- Check the weather forecast before leaving home. For winter riders, always check the avalanche forecast before venturing into the backcountry. For more information, visit the Avalanche Center website at utahavalanchecenter.org.
- Never drink and ride. Alcohol and OHVs don't mix. This can create a deadly and illegal combination.

Trip Planning Checklist

Like anything else, a safe and enjoyable OHV ride starts with proper planning. Always give an itinerary to a family member or friend. Inspect your machine before every trip to make sure they are in top mechanical condition. Operators should be in good physical condition to withstand the rigors of an OHV riding experience.

Carrying a few basic items will also help in the event of an emergency. The following checklist will help make every trip fun and safe:

- Plenty of extra water and food
- Extra fuel and oil
- A set of basic tools that fit your machine
- A basic first-aid kit
- Extra spark plugs
- A flashlight
- A tow strap or rope
- Waterproof matches
- Duct tape and electrical tape
- A tire repair kit
- A map, compass, and GPS device
- Cell phone or two-way radios
- Camera to record your adventures

For extended trips you should also consider:

- Spare throttle and brake cables
- Brake fluid
- Master links for chain repair
- A quality survival kit
- A spare tire or tube

Avalanche Awareness

Have fun and stay safe in avalanche terrain by staying aware of possibly dangerous areas and educating yourself about avalanche safety. Check the avalanche conditions before heading out at utahavalanchecenter.org.

Snowmobile Complexes

There are 13 snowmobiling complexes with over 1,200 miles of riding experiences. Visit our snowmobile interactive map online at ohv.utah.gov.

Trail Host Program

Interested in becoming a representative for Off-Highway Vehicles? Do you enjoy working with the public? Become a certified OHV Trail Host through the Division of Parks and Recreation. This is a volunteer opportunity which allows you to:

- Educate members of the public about safe and responsible riding.
- Communicate area trail knowledge.
- Provide trail assistance to other riders.

For more information contact our OHV Program at ohveducation@utah.gov, or visit our website at ohv.utah.gov.





OHV Program:

1594 W North Temple
PO Box 146001
Salt Lake City, UT 84114-6001
(801) 538-RIDE
ohv.utah.gov

Facebook:

facebook.com/UtahStateParksOffHighwayVehicleProgram
facebook.com/UtahStateParks

Twitter:

@USPOHVProgram
@UtahStateParks



Department of Motor Vehicles:

Salt Lake DMV
380 West 2880 South
Salt Lake City, UT 84115
(801) 297-7780
dmv.utah.gov

Utah Avalanche Center:

utahavalanchecenter.org

United States Forest Service:

324 25th St., Ogden, UT, 84401
(801)-625-5605

U.S Bureau of Land Management Utah State Office

440 200 S. #500, Salt Lake City, UT, 84101
(801)-539-4001

Utah State Parks Mission Statement:

To enhance the quality of life by preserving and providing natural, cultural, and recreational resources for the enjoyment, education, and inspiration of this and future generations.



**MILLVILLE CITY
RESOLUTION 2024-17**

**RESOLUTION TO ESTABLISH THE MILL CREEK LOT 6 SUBDIVISION
LOCATED AT APPROXIMATELY 161 WEST 265 SOUTH**

WHEREAS, a request to subdivide parcel 03-148-0003 into two parcels has been received; and

WHEREAS, the Planning Commission reviewed the request on September 5, 2024 and recommended the City Council approve this subdivision; and

WHEREAS, the City Council discussed and reviewed the request at the City Council Meeting held on September 12, 2024;

THEREFORE, BE IT RESOLVED that the City Council hereby accepts the Mill Creek Lot 6 Subdivision of two lots as proposed in drawings and documents submitted. These documents have been found to be in compliance with applicable Millville City Ordinances.

Passed and approved by the Millville City Council this 12th day of September 2024.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

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

DOMINION ENERGY
 Questar Gas Company, DBA Dominion Energy Utah, hereby approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication or in the notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Utah's right-of-way department at 800-366-8532

Approved by Dominion Energy, this _____ day of _____ A.D., 20____.

 TITLE:

ROCKY MOUNTAIN POWER
 1. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with the rights and duties described therein.

2. Pursuant to Utah Code Ann. § 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the Public Utility Easement, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right the Rocky Mountain Power has Under:

(1) A recorded Easement or Right-of-Way
 (2) The law applicable to prescriptive rights
 By: (3) Title 54, Chapter 8a, damage to underground utility facilities or
 (4) any other provision of the law.

Rocky Mountain Power

NOTES & RESTRICTIONS:
 1- All public & municipal utility easements (P.U.E.) are 10.0 feet wide around the frontage of All Lots.

2- No Structures may be built within any public utility easement, except as approved by the City Engineer

3- All expenses involving the necessary improvements for sanitary sewer systems, gas service, electrical service, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signing, and other improvements shall be financed by subdivider.

4- The Subdivision does not contain identified wetlands, and does not contain flood plain, or other notable sensitive areas.

5- The subdivision's parcel number is 03-148-0003

6- Lot owner's will be required to connect to Public Sewer System when installed and operational by City. All costs associated with connection shall be the owner's expense.

7. Possible sewer main depths might be shallow whereas a lift station may be required to connect to the city main. All cost shall be the responsibility of the Lot owner at time of operational.

8. There are no slopes greater than 20% within the subdivision, less small ditch embankments.

9. Swale maintenance and infiltration pond maintenance is the responsibility of the owner of Lot 2.

10. The Private Road shall also be an access easement to the Swale Easement, for Millville City.

MILLVILLE IRRIGATION COMPANY
 This Plat is Approved by:

Canal Company Rep. Date

UTILITY COMPANY APPROVALS
 The Utility Easements shown on this Plat are Approved:

CENTURY LINK COMM. Century Link Rep. Date

COMCAST COMM. Comcast Rep. Date

NARRATIVE
 The purpose of this survey was to Amend the parcel as shown and described hereon. The survey was ordered by Galen Daniels. The control used to establish the property corners was the existing Survey monumentation found within Mill Creek Subdivision located in Section 22, T11N, R1E, SLB&M. More specifically two old iron pins were found at the Northeast Corner of Lot 1 and the East Corner of Lot 4. The measured distance between the two iron pins were only off 0.10'. The North Pin was held and the survey was rotated to fit the South pin. The basis of bearing is the North line of the Northwest quarter of Section 23, T11N, R1E, SLB&M which bears South 88°50'45" West, Utah Coordinate System 1983 North Zone.

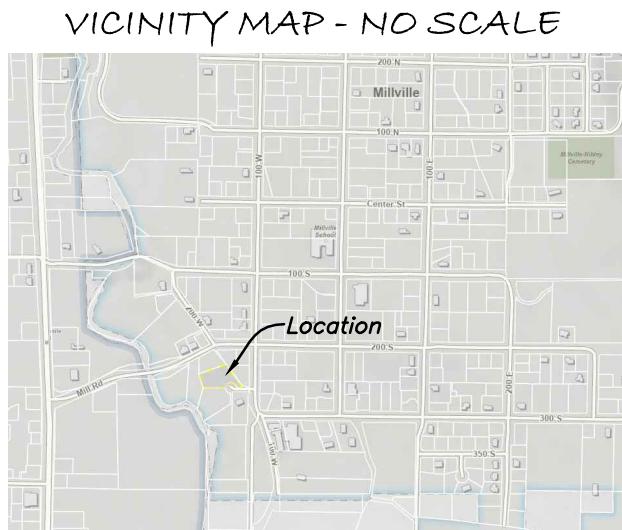
ADVANCED LAND SURVEYING INC
 1770 Research Park Way #11
 Logan Utah 84341
 (p) 435-770-1585 (f) 435-514-5883
 www.advancedlsinc.com

23-246 CGH 08/02/24 Rev.6 Page 1 of 1

Bear River Health Department Date

CANAL COMPANY APPROVAL

Bear River Health has reviewed this plat and has determined that septic permits can be applied for on the subdivided Parcels.



CERTIFICATE OF REVIEW
 Data on this plat reviewed this _____ day of _____, 20_____, by the City Engineer of Millville, Utah

Final Plat for: **Mill Creek Lot 6 Subdivision**

Millville City, Cache County, Utah
 A Part of the Southwest Quarter of Section 22,
 Township 11 North, Range 1 East, Salt Lake Base & Meridian
 October 2023

CERTIFICATE OF DEDICATION
 Know all men by these presents that the undersigned, Galen J. Daniels and Judy Pond Daniels, husband and wife as joint tenants, owner, proprietors, or parties of interest in the land shown in this plat, do hereby certify:

That the foregoing plat designated as **Mill Creek Lot 6 Subdivision**, is located in the Southwest Quarter of Section 22, Township 11 North, Range 1 East, Salt Lake Base and Meridian, Millville City, Cache County, Utah and is more particularly described as follows per Entry Number 1208330 (The Basis of Bearings is the Utah Coordinate System 1983 North Zone):

SUBDIVISION BOUNDARY:
 A Part of Lot 3, Mill Creek Subdivision, located in the Southwest Quarter of Section 22, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and more particularly describes as follows:

Commencing at the Northeast Corner of said Section 22 and Thence South 55°36'19" West 4811.86 Feet to the Northerly Corner of Lot 1 Mill Creek Subdivision as marked by an Old Iron Pin; Thence South 40°31'25" East (South 39°51' East by Record) 162.72 Feet Along the East Line of said Lot 1; Thence South 36°51'25" East (South 36°11' East by Record) 12.28 Feet Along said East Line to the Northerly Corner of said Lot 3 and the True Point of Beginning and RUNNING THENCE South 36°51'25" East (South 36°11' East by Record) Along the East Line of said Lot 3, 243.55 Feet to the North Right-of-Way Line of 265 South Street; Thence Westerly Along said Right-of-Way Line the Following Two (2) Courses: (1) South 89°19'35" West (West by Record) 53.97 Feet; (2) Southwesterly Along the Arc of a 50.00 Foot Radius Curve to the Left an Arc Length of 142.93 Feet to the Common Lot Corner of said Lot 3 and Lot 4, Long Chord Bears South 81°13'12" West 99.00 Feet; Thence South 89°19'35" West (West by Record) Along the South Line of said Lot 3, 199.68 Feet; Thence North 18°22'36" West (North 17°42'11" West by Record) Along the West Line of said Lot 3, 128.65 Feet; Thence North 69°43'13" East (North 70°23'38" East by Record) Along the North Line of said Lot 3, 262.20 Feet to the Point of Beginning. Containing 1.153 Acres, and two lots, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.

Executed this _____ day of _____, 20_____.

Galen J. Daniels

Judy Pond Daniels

State of _____

County of _____

On this _____ day of _____, 20_____, Galen J. Daniels and Judy Pond Daniels, husband and wife as joint tenants, personally appeared before me, the undersigned Notary Public in and for said State and County, the signer of the Certification of Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public Signature

Commission Number - Expires _____

Notary Public Commissioned in Utah
 (Print Name)

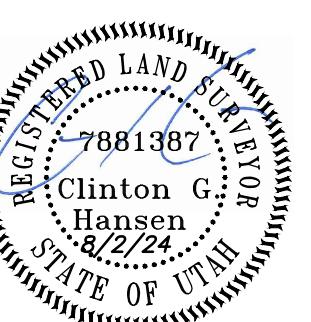
SURVEYOR'S CERTIFICATE

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah, that this plat is a true, correct, and complete plat of Mill Creek Lot 6 Subdivision as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).

Date: 8/2/2024

Clinton G. Hansen

No. 7881387



LEGEND

- Primary Boundary Line
- Lot Line
- Other property Line
- Existing Overhead Power
- Existing Asphalt Paving
- Water Line
- Public Utility Easement
- Municipal Utility Easement
- Setback Line
- Fence Line
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap

COUNTY RECORDER'S NO. _____

State of Utah, County Cache, Recorded and Filed at the Request of _____

Date _____ Time _____ Fee _____

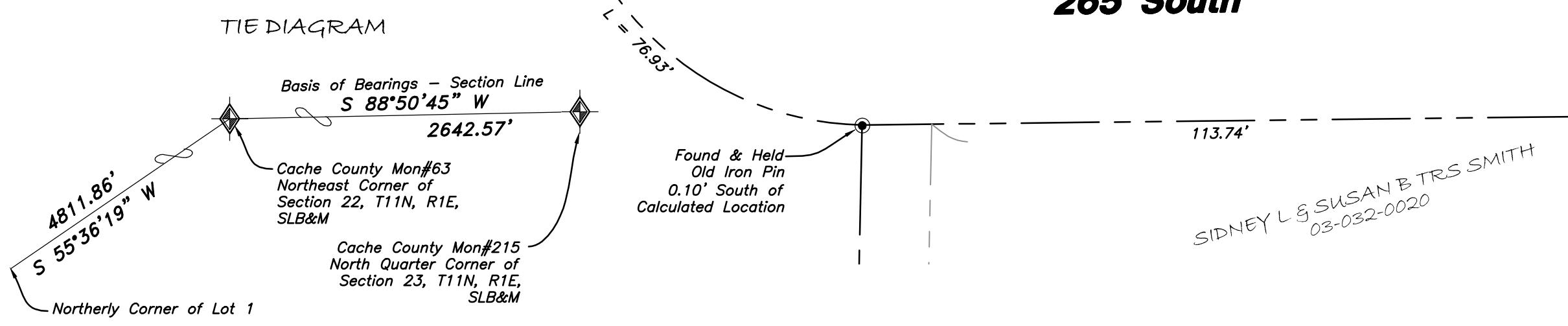
Abstracted _____

Index _____

Filed in: File of Plats

County Recorder _____

TIE DIAGRAM



PLANNING AND ZONING APPROVAL

This plat approved by the City of Millville Planning and Zoning Commission this _____ day of _____, 20_____. Attest:

CITY COUNCIL ACCEPTANCE AND APPROVAL

Approved by the City Council of the City of Millville, Utah, this _____ day of _____, 20_____. Attest:

C1 $\Delta = 163^{\circ}47'15"$ $R = 50.00'$ $L = 142.93'$ $LC = 99.00'$ $S 81^{\circ}13'12" W$
 C2 $\Delta = 23^{\circ}34'41"$ $R = 50.00'$ $L = 20.59'$ $LC = 20.43'$ $N 11^{\circ}06'55" E$
 C3 $\Delta = 140^{\circ}12'33"$ $R = 50.00'$ $L = 122.36'$ $LC = 94.03'$ $N 86^{\circ}59'28" W$

CURVES

Scale: 1" = 20'
 0 20' 40'
 Scale in Feet



City Engineer _____ Chairman _____ Secretary _____ Mayor _____ City Recorder _____

BEAR RIVER HEALTH DEPARTMENT APPROVAL

Bear River Health has reviewed this plat and has determined that septic permits can be applied for on the subdivided Parcels.

CANAL COMPANY APPROVAL



AGENDA REPORT: RETURNED CHECK FEE

September 12, 2024

Background

In October of 1996, the Millville City Council adopted a fee for checks returned because of non-sufficient funds (NSF), closed accounts, or other reasons causing a check to bounce. That fee has been set at \$15 per bad check for the past three decades and needs to be updated to account for fees charged by the City's bank and for the time it takes to deal with a bounced check.

It is recommended that the City update the returned check fee to \$30 going forward to align with actual costs.

Included Documents

- Resolution 2024-16

**MILLVILLE CITY
RESOLUTION 2024-16**

CHARGES FOR RETURNED CHECKS

WHEREAS, on October 3, 1996, a returned check fee was adopted by the Millville City Council; and

WHEREAS, the Millville City Council has reviewed the fee for returned checks and determined that updates should be made;

NOW THEREFORE, be it resolved by the Millville City Council that a service fee of thirty dollars (\$30.00) will be imposed for every returned check.

The rate adopted by this resolution is to become effective for all checks received after September 12, 2024.

Passed and approved by the Millville City Council this 12th day of September 2024.

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: CONFLICT OF INTEREST DISCUSSION September 12, 2024

Background

During the City Council meeting held in August 2024, Councilmember June briefly discussed concerns about elected officials participating in development activities in Millville City. These concerns are not necessarily related to historical conflicts of interest in Millville City, but more concerns of what is possible without stricter restrictions.

Councilmember June has prepared the included draft ordinance for discussion at this meeting. If the Council would like to proceed with implementing the proposed changes, or modifications thereof, a stand-alone ordinance will be finalized or updates to the existing Millville Conflict of Interest Policy will be prepared for adoption at a future meeting.

Included Documents

- Draft ordinance as provided by Councilmember June
- Millville's existing policy on Conflicts of Interest and Ethical Behavior

ORDINANCE 24-XX
**AN ORDINANCE PROHIBITING MEMBERS OF THE CITY COUNCIL, INCLUDING THE
MAYOR, FROM PRIVATE PARTICIPATION IN MAJOR SUBDIVISIONS**

WHEREAS, the City strives to maintain the highest ethical standards for the conduct of its elected officials and officers in all aspects of their service to the City and community; and

WHEREAS, the City has determined that participation of members of the City Council, including the Mayor, in the process for creating major subdivisions of four (4) or more parcels on land located within the City limits creates the potential for the members to use their official positions or offices to further substantially their own economic interest or to secure privileges for themselves in violation of the [Municipal Officers and Employees Ethics Act](#) and the standards set by the City; and

WHEREAS, the City finds that prohibiting members of the City Council from participating in the subdivision process for major subdivisions located within the City limits during the members' terms of office is necessary and proper to promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MILLVILLE, UTAH
THAT:

1. The following section be added to Millville City Code to read as follows:

XX-X-XX Prohibition on Major Subdivision

- A. It is unlawful for any person to create a major subdivision of four or more parcels on any tract or parcel of land located wholly or in part in the Millville City limits, and no application for any major subdivision of four or more parcels may be approved, if any of the following apply:
 - a. The applicant or subdivider is a member of a City council;
 - b. The applicant or subdivider is a spouse of a City Council member;
 - c. A member of the City Council owns an interest of any kind in the applicant's or subdivider's property;
- B. The Mayor is a member of the City Council for the purposes of this Section.
- C. A violation of this section is a _____

2. This ordinance shall become effective upon posting as required by law.

MILLVILLE CITY CONFLICT OF INTEREST AND ETHICAL BEHAVIOR POLICY

Overview

The Millville City Council and the officers, appointees and employees of Millville City should individually commit themselves in their official capacity to ethical, business-like, and lawful conduct, including acting with decorum and ensuring the appropriate use of their authority. Millville City representatives must avoid even the appearance of impropriety to ensure and maintain public confidence in Millville City. Representatives owe a fiduciary duty to Millville City and must not act in a manner that is contrary to that duty or to the interests of Millville City. They must place the interests of Millville City over their own personal interests with respect to the governance, policy, strategic direction and operations of Millville City.

Policy

It is the intent of Millville City to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer has a personal interest in a matter that is or may be in conflict with or contrary to Millville City's interests and objectives to such an extent that the officer is or may not be able to exercise independent and objective judgment within the context of the best interest of Millville City. For the purposes of this policy, an officer's personal interest includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

A. The following provisions shall serve as a guide to officers with respect to the affairs of Millville City:

1. Millville City officers shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the officer's vote, action, or judgment, or be considered as part of a reward for action or inaction.
2. The complete confidentiality of proprietary business information must be respected at all times. Officers are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of Millville City, or to individually conduct negotiations or make contacts or inquiries on behalf of Millville City unless officially designated by the Millville City Council.
3. Officers are prohibited from acquiring or having a financial interest in any property that Millville City acquires.
4. If members of the immediate family of an officer have a financial interest in any property that Millville City acquires, such interest shall be fully disclosed to the Millville City Council, which shall decide if such interest should prevent Millville

City from entering into a particular transaction, purchase, or engagement of services. The term “immediate family” means officer’s spouse, parent, dependent children and other dependent relatives.

5. When a conflict of interest exists, the officer shall publicly declare the nature of the conflict, file a disclosure statement, and recuse himself or herself on any official action involving the conflict.
6. Officers may not realize, seek, or acquire a personal interest in a business that does business with Millville City.
7. Officers shall complete a Conflict of Interest Disclosure Form annually by the end of January. Completed Forms shall be submitted to the Millville City Recorder and shall be made available to the public upon request.
8. The Millville City Recorder shall provide copies of all completed forms to the Mayor at the end of January each year.
9. The Mayor shall review all completed forms and consider the disclosures. The Mayor should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within Millville City.



AGENDA REPORT: PID RESTRICTIONS

September 12, 2024

Background

Councilmember June has concerns about allowing Public Infrastructure Districts (PIDs) in Millville City. She has prepared the included information and proposed ordinance that would restrict PIDs in Millville.

Background

Senate Bill 228 grants Cities and Counties in Utah the power to create Public Infrastructure Districts (PIDs) to finance public infrastructure for new development. This infrastructure may be financed by issuing bonds repayable from property taxes or assessments on the property owners of the development. PIDs are a new economic development tool for Cities and Counties along with property owners. -SB 228 became effective on May 14, 2019.

Summary

- PIDs are local districts under Title 17B and constitute independent political subdivisions, as such they are not a component unit of the City or County that creates the PID (Creating Entity).
- Debt issued by PIDs is not a liability of the Creating Entity or the State, therefore PID debt is a non-balance sheet item.
- Debt is repaid solely from a Limited Property Tax or Assessments imposed by the PID.
- Formation requires 100% consent of property owners and any voters in the PID boundaries.
- PIDs have fairly broad powers to finance public infrastructure of many types generally including any improvement that will be owned by a state or local government, including the PID.
- PIDs have authority to finance capital costs of improvements in an energy assessment area, commonly referred to as Property Assessed Clean Energy (PACE) improvements

Included Documents

- Resolution 2024-XX Prohibiting Public Infrastructure Districts in Millville City

**MILLVILLE CITY
RESOLUTION (ORDINANCE?) 2024-XX
PROHIBITION OF PUBLIC INFRASTRUCTURE DISTRICTS IN MILLVILLE CITY**

WHEREAS, requirements outlined in the Utah State Constitution Article VI, Section 28 and Article VI, Section 29 are violated by S.B. 228, and

WHEREAS, the Constitution of the United States Article IV, Section 4 is violated by S.B. 228, and

WHEREAS, the Millville City Council wishes to protect and uphold the Constitution of the United States of America and the Constitution of the State of Utah;

NOW THEREFORE, be it resolved that the Millville City Council adopts the attached Prohibiting Public Infrastructure Districts Policy.

This resolution shall become effective upon adoption. Passed and approved by the Millville City Council, this — day of [month], 2024

MILLVILLE CITY PROHIBITION OF PUBLIC INFRASTRUCTURE DISTRICTS (PIDs)

PID DEFINITION

Senate Bill 228 grants Cities and Counties in Utah the power to create Public Infrastructure Districts (PIDs) to finance public infrastructure for new development. This infrastructure may be financed by issuing bonds repayable from property taxes or assessments on the property owners of the development.

PURPOSE

The purpose of this chapter is to prohibit the use of PIDs for new development and redevelopment as they violate the Utah Constitution and the U.S. Constitution for the following reasons:

1. Article VI, Section 28 of the Utah Constitution states “The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.”
 - a. The State of Utah is forbidden by the People of Utah to re-delegate municipal (local government) functions. The constitution already delegated such authority from the people to the state. Unlawful re-delegation would happen if that authority is further transferred to anything other than a standard political subdivision of the state.
2. Article VI, Section 29 of the Utah Constitution states “Neither the State nor any county, city, town, school district, or other political subdivision of the State may lend its credit or, except as provided in Subsection (2), subscribe to stock or bonds in aid of any private individual or corporate enterprise or undertaking.”
 - a. A PID lends public credit to private benefit and the risks and burdens are borne by the people instead of the developer.
3. Article IV, Section 4 of the Constitution of the United States of America states “The United States shall guarantee to every State in this Union a Republican Form of Government...”
 - a. A PID creates an appointed form of government that is appointed by the property owners within the district.

APPLICATION

The City of Millville, Utah prohibits the use of PIDS for development or redevelopment within the city limits.

MILLVILLE PLANNING COMMISSION MEETING
City Hall - 510 East 300 South - Millville, Utah
September 5, 2024

PRESENT: Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matthew Anderson, Darcy Ripplinger, Kara Everton, Pam June, David Hair, Ryan Zollinger, Rod Hobbs

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for September 5, 2024, at 8:00 pm. Commissioners Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Darcy Ripplinger and Matt Anderson were present. Commissioner Larry Lewis was excused. 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 for September 5, 2024, was reviewed.

Commissioner Farmer moved to approve the agenda for September 5, 2024.

Commissioners Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Darcy Ripplinger and Matt Anderson voted in favor. Commissioner Larry Lewis was excused.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the minutes for the Planning Commission Meeting for August 1, 2024. **Commissioner Anderson moved to approve the minutes for the meeting on August 1, 2024.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Darcy Ripplinger and Matt Anderson voted in favor. Commissioner Larry Lewis was excused.

5.A. Zoning Clearance- Accessory Building- Ryan Zollinger- 96 East 700 North

Ryan Zollinger is present. No utilities, no living quarters. Height is 27'.

Commissioner Farmer moved to recommend the Zoning Clearance- Accessory Building- Ryan Zollinger- 96 East 700 North. Commissioner Anderson seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Darcy Ripplinger and Matt Anderson voted in favor. Commissioner Larry Lewis was excused.

5.B. Private Lane- Final Plat Review- Millcreek Lot 6- Galen Daniels- 161 West 265 South

Engineers have approved the private lane. There were some concerns regarding the snow removal and where to put snow during heavier years.

Commissioner Anderson moved to recommend the Final Plat for the Private Lane for Millcreek Lot 6- Galen Daniels- 161 West 265 South. Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Darcy Ripplinger and Matt Anderson voted in favor. Commissioner Larry Lewis was excused.

5.C. Other

Rod Hobbs was present and asked about the minutes from July 11, 2024 regarding the de-annexation/ boundary-line request owned by Seth Alder Farms LLC.

6. City Council Review- August 8, 2024

7. Agenda Items/Notes for Next Meeting

8. Calendaring of future Planning Commission Meeting – September 19, 2024, at 8:00 pm

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at approximately 8:35 p.m.

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