

NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold its regularly scheduled Council Meeting on Thursday, October 10, 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 last City Council Meeting – September 12, 2024
5. Agenda Items—
 - A. Message from CAPSA – Alyna Ohling
 - B. Update from Connect (Cache Valley Transit District) – Lieren Hansen
 - C. Resident complaint about people living in trailer on 300 South – Councilmember Wilker
 - D. Public comment period (2 min/person)
 - E. Consideration of resolution updating the Conflict of Interest Policy – Recorder Twedt
 - F. Consideration of resolution for adoption of a Public Comment Policy – Recorder Twedt
 - G. Review of utility adjustments for FY25 Q1 – Treasurer Dyer
 - H. Budget review for FY25 Q1 – Recorder Twedt
 - I. Discussion on new pavilion for South Park – Mayor Hair
 - J. Winter social planning – Mayor Hair
 - K. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - L. 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 October 7, 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
September 12, 2024

PRESENT: David Hair, Clay Wilker, Pamela June, Ryan Zollinger, Jeremy Ward, Chad Kendrick, Corey Twedt, Megan Dyer, Kara Everton, Linda Webster, Elisha Helpingstine, AnnieDrew Helpingstine, Randy Helpingstine, Lance Linton, Cole Smith, Tayson Hancey, Roxie Hancey, Kora Hancey, Marilyn Holland, Scott Robison, Kandis Linton, Addie Belle Davis, Sophie Caldwell, Natalie Adams, Aydenn David, Remie Barfuss, Hallie Barfuss, Cassidy Astle, Milan Jenson, Eva Williams, Kennedy Kimber, Lily Williams, Matthew Mortenson, Johnny Helpingstine, Park Holmgren, Mack Hall

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for September 12, 2024, at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Jeremy Ward, Ryan Zollinger, and Clay Wilker were in attendance with Councilmember Daniel Grange excused.

Opening remarks/Pledge of Allegiance

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

Approval of agenda

The agenda for the City Council Meeting of September 12, 2024 was reviewed.

Councilmember Zollinger motioned to approve the agenda for September 12, 2024.

Councilmember Ward seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange 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 August 8, 2024.

Councilmember June motioned to approve the minutes for August 8, 2024.

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

Public comment period

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

Millville City Youth Council Introductions

Mayor Hair introduced Youth Council Advisor Elisha Helpingstine. Elisha introduced the other advisors and the Youth Council Mayor Lance Linton. Mayor Linton introduced the rest of the leadership for the Millville City Youth Council and the activities planned for the next couple of months.

Councilmember June introduced herself to the MCYC and explained that she was the Millville City Council member currently assigned to oversee the Youth Council and said that she was available if the MCYC needed anything from the Council.

Swearing in of the Millville City Youth Council

Recorder Twedt swore in the members of Millville City Youth Council that were present at the meeting.

Off-Highway Vehicle (OHV) discussion and consideration of ordinance updating City Code Section 10.16 for OHV regulations

Mayor Hair explained to the Youth Council the City Council concerns regarding OHV safety and the laws related to OHV use on City streets. Cassidy Astle spoke to the City Council about the issues she has seen with small children driving recklessly on OHVs in the Mond-Aire neighborhood.

Councilmember Zollinger said that he is a proponent of OHV use. He has brought up this concern because he is worried about OHV safety in Millville. Especially with children on OHVs on City streets. He said he would recommend some type of educational campaign.

It was discussed that some children are riding OHVs to the elementary school every day.

Councilmember June said that as a pedestrian, she has nearly been hit a couple of times by kids on OHVs.

Scott Robison said that OHV and UHV vehicles that are driving on the roads don't have the same emission and noise-reduction restrictions as other vehicles. He said that he sees OHVs racing on the South Fields road past his home and that he would suggest that Millville City be more restrictive.

Councilmember Ward suggested that they get the community involved to come up with the money to purchase some speed limit display signs that could be moved around to the different areas of concern.

Development Coordinator Everton suggested that there could be some positive incentives provided like drink certificates handed out occasionally for people who are obeying the

rules. Councilmember Wilker said that he thinks positive incentives are useful. He also said that if law enforcement were to begin issuing tickets, the problem would be reduced.

Councilmember Zollinger said that he would like to figure out what can be done to increase awareness and education. Maybe doing something at the schools in Millville. Councilmember Zollinger said that he is not in favor of an all-out ban. He would like to try to get things under control with education first. If that doesn't work, they could consider something more restrictive.

One of the residents in attendance said that there are 4-year-olds on motorcycles in Mond-Aire and that she is very concerned for their safety.

Councilmember Zollinger then asked Recorder Twedt to review the proposed code updates and the new ordinance that would bring the City Code in line with the updated State requirements. The Council didn't have any concerns with the proposed changes to the code.

Councilmember Zollinger motioned to adopt Ordinance 2024-6. Councilmember Ward seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused. (A copy of the approved ordinance is included as Attachment "B".)

Consideration of resolution accepting the Mill Creek Lot 6 Subdivision

Development Coordinator Everton reviewed the Mill Creek Lot 6 Subdivision. She said that the Planning Commission and engineer had completed their reviews and recommended acceptance by the City Council. It was briefly discussed that this was a private-lane subdivision and that the approval process for this type of subdivision had been followed.

Councilmember June motioned to adopt Resolution 2024-17. Councilmember Zollinger seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused. (A copy of the adopted resolution is included as Attachment "C".)

Consideration of resolution updating fee for returned checks

Recorder Twedt said that the fee for returned checks was adopted when he entered high school and needed to be updated from \$15 to \$30 to more closely reflect current costs.

Councilmember Ward motioned to adopt Resolution 2024-16. Councilmember Zollinger seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused. (A copy of the adopted resolution is included as Attachment "D".)

Elected official development restrictions discussion

Councilmember June presented a draft ordinance that she has prepared that would add restrictions for elected officers developing property in Millville City. She explained that the proposed changes were for the development of major subdivisions only.

Recorder Twedt said that he understood the concerns and that he thought it was wise to be looking at this now instead of waiting for a conflict-of-interest issue to become a problem. He said that his concern with the proposed ordinance was that it would allow for loopholes if someone were to find them. He said that to him it may be better to just strengthen the existing Conflict-of-Interest Policy. Specifically dealing with how a councilmember or the mayor should recuse themselves of something for which there is a conflict.

Councilmember June said that she considers it unethical for an elected official to be involved with development while they are in office. If they aren't taking advantage of the system it appears like they are.

Councilmember Wilker said that he felt this maybe should not stop with only the City Council and the Mayor. What about the Planning Commission or staff or anyone that may have influence over a decision?

Councilmember Zollinger discussed how this was being raised as an issue due to concerns with mayors developing property in neighboring cities. He said that he thought there may be some constitutional challenges in restricting the rights of certain individuals. Councilmember Zollinger said it may be better to do something similar to what Recorder Twedt was recommending in updates and clarification in the Conflict-of-Interest Policy. Mayor Hair agreed.

The Council asked Recorder Twedt to come up with some proposed edits to the City Conflict of Interest Policy for their review. (A copy of the related staff report is included as Attachment "E".)

Discussion on the prohibition of Public Infrastructure Districts (PIDs)

Councilmember June reviewed with the rest of the Council a draft resolution or ordinance that would not allow developers to use PIDs as a development tool in Millville City. She said that since the first time she had heard of PIDs, she did not like them. It seems unethical, sketchy, and underhanded to tax the people who will live there to benefit the developers.

Mayor Hair said that he wasn't sure about the claim that PIDs are against the Constitution. He said that this was a tool that the State of Utah was allowing developers to use.

Councilmember Zollinger said that he didn't like the idea of unaware homeowners moving in not knowing that they are going to be taxed at a higher rate than the other residents of a city.

Recorder Twedt said that he had some concerns about the way this was written. He would not like for the City to have to defend in court the assertion that PIDs are nonconstitutional. He said that he also was not sure what this would accomplish overall. If this Council or a future Council wants to accept a PID in the future, they could do a new resolution canceling this one if it were adopted. Councilmember Zollinger said that with each PID request, the Council should review the request on its merits and make a decision on whether it was good for the City or just good for a developer.

Mayor Hair thanked Councilmember June for providing the information and concerns about PIDs. He said that he felt the rest of the Council also has serious reservations about allowing PIDs to take place in Millville. (A copy of the related staff report is included as Attachment "F".)

Mayor Hair left temporarily at this time to attend a portion of the Youth Council activity.

Online bill pay, utility bill mailing, utility billing software

Development Coordinator Everton and Treasurer Dyer discussed some of the projects they have been working on.

Treasurer Dyer said that the staff has been working with a utility bill mailing company that they are using for the first time this month. The City will send them digital files of the utility bills and newsletter that the mailing company will print, stuff in envelopes they print, and mail them to Millville residents at a significant cost savings.

Treasurer Dyer said that they have also researched utility billing software options and that they are in the process of making a change to another company that should be a much better fit for Millville.

Development Coordinator Everton explained that staff had been looking at several different options for online bill pay and have settled on a company called CORE which will work great for Millville City and Millville City residents. Recorder Twedt reminded the Council that this had been looked at before and was pushed down the road. Online bill pay is a common request from our residents. He asked the Council if they were okay with moving forward with the proposed online bill pay solution. The consensus of the Council was to go ahead and move forward with the proposed plan.

Pickleball and tennis court lighting

Recorder Twedt reviewed with the Council the quote for adding lights to the remaining four pickleball courts at the South Park and the tennis courts at the North Park. He reviewed the RAPZ funding that had been granted that would pay for much of the costs. The City would need to use some Park Impact Fee funds to cover the rest of the costs.

It was discussed that the proposed lighting was designed based on a goal of reducing the impact to neighbors as much as possible.

Councilmember Wilker motioned to approve the lighting proposal. Councilmember Wilker seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused.

Discussion on new pavilion for South Park

Recorder Twedt said that this was an agenda item requested by Mayor Hair and suggested it be moved to the next City Council meeting.

Councilmember Ward motioned to move the pavilion discussion to the next City Council meeting. Councilmember June seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused.

Report on P&Z Meeting held September 5, 2024

Development Coordinator Everton reviewed with the Council the Planning Commission's draft minutes for the meeting held on September 5, 2024.

Overnight parking on roads near Ridgeline High School

Recorder Twedt said that there have been concerns about overnight parking on the road north of Ridgeline High School. He said that his recommendation was to install some signs indicating that overnight parking was not permitted. The consensus of the Council was to proceed in this manner.

City Reports

Director of Public Works Chad Kendrick briefly discussed landscape deposit refunds on private lanes.

Councilmember Zollinger discussed the sewer cleanup and the messy clay on the roads.

Mayor Hair returned to the meeting at this time.

Councilmember Reports and Items for Future Agendas

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

There were no councilmember reports.

Recorder Twedt asked what the Council wanted to do regarding the complaint they had received from Rod Hobbs concerning the people living in a trailer on 300 South. The Council asked that this be an agenda item for the next City Council meeting.

Adjournment

Councilmember Ward moved to adjourn the meeting. Councilmember Wilker seconded. Councilmembers Ward, June, Wilker, and Zollinger voted yes with Councilmember Grange excused. The meeting adjourned at 9:11 p.m.

DRAFT



AGENDA REPORT: LIVING IN TRAILER COMPLAINT

October 10, 2024

Background

The City has received a complaint about people living in a trailer outside the home at 45 East 300 South. The code being violated as listed in this complaint is 1.16.010 – 1.16.080, 17.08.020, 17.04.080, 17.20A.010, 17.20A.040(H)(K)(L)

Included Documents

- Complaint received by the City
- Code referenced as being in violation with highlighted sections



MILLVILLE

Post Office Box 308

Millville, Utah 84326

CITIZEN COMPLAINT FORM		Date: 08-15-2024
Name: Last <u>HOBBS</u> First <u>RODNEY</u> Middle name / Initial		
Address: Street <u>414 SOUTH 550 EAST</u> Box # City <u>MILLVILLE</u> State <u>UT</u> Zip Code <u>84326</u>		
Telephone # (435) Home <u>994-9030</u> Work Other		
Nature of the Complaint: (Please give details of dates, times, places, etc.) Use back of form if needed. <u>AT 45 EAST 300 SOUTH THERE IS PEOPLE LIVING IN A FIFTH WHEEL TRAILOR. THIS HAS BEEN GOING ON FOR 2 1/2 YEARS. THIS IS THE SECOND GROUP IN THERE. PRIOR TO THIS THERE WAS ANOTHER TRAILER THERE AND THE SHERIFFS OFFICE BUSTED IT FOR DRUGS. THEY HAULED IT OFF AND BROUGHT THIS ONE IN. IF THIS IS WHAT THE CITY WANTS IM SURE WE CAN BECOME A TRAILER PARK. IM SURE ALL OF YOU HAS SEEN THIS SINCE IT IS OFF THE SIDE OF ROAD ON 300 SOUTH WHERE WE ALL DRIVE. I HOPE WE</u>		
Attempts to Resolve: (Please explain what you have done before now to resolve this issue) <u>WE CAN FOLLOW THE ORDINANCES THAT WAS PUT IN PLACE FOR THE CITIZENS OF MILLVILLE, AND START CLEANING UP OUR CITY.</u>		
City Ordinance Being violated: (Cite specific specific chapter, section and paragraph if known) # <u>1.16.010-1.16-080</u> <u>17.08.020 DWELLING</u> # <u>17.04.080</u> # <u>17.20A.010</u> # <u>17.20A.040-(H)(K)(L)</u>		
Name (Please Print) <u>RODNEY HOBBS</u>		Date: <u>08-15-2024</u>
Signature <u>Rodney D. Hobbs</u>		

Revised December 31, 2003

MILLVILLE CITY CODE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 1.16 - ENFORCEMENT AND PENALTIES

[1.16.010: PURPOSE](#)

[1.16.020: SCOPE](#)

[1.16.030: EXISTING LAW CONTINUED](#)

[1.16.040: CRIMINAL LIABILITY AND PROSECUTION](#)

[1.16.050: SEVERABILITY](#)

[1.16.060: NO TORT LIABILITY](#)

[1.16.070: ACTS INCLUDING CAUSING, AIDING AND ABETTING](#)

[1.16.080: GENERAL ENFORCEMENT AUTHORITY](#)

[1.16.090: WITHHOLDING AND REVOCATION OF PERMITS AND LICENSES](#)

[1.16.100: NOTICE OF VIOLATION](#)

[1.16.110: CIVIL CITATION](#)

[1.16.120: CIVIL FEES](#)

[1.16.130: RECORDING](#)

[1.16.140: INSPECTIONS](#)

[1.16.150: ABATEMENT](#)

[1.16.160: SERVICE REQUIREMENTS](#)

[1.16.170: REQUEST FOR AN ADMINISTRATIVE HEARING](#)

[1.16.180: APPOINTMENT OF HEARING EXAMINER](#)

[1.16.190: PROCEDURES AT ADMINISTRATIVE HEARINGS](#)

[1.16.200: ADMINISTRATIVE ENFORCEMENT ORDER](#)

[1.16.210: APPEAL TO DISTRICT COURT](#)

[1.16.220: COLLECTION OF CIVIL FINES AND COSTS](#)

1.16.010: PURPOSE

The City Council finds that the enforcement of the City's ordinances and applicable State codes is an important public activity. Code enforcement is vital to the protection of the public's health, safety, welfare, and quality of life. The City Council recognizes that code enforcement is effective only when done quickly and fairly. The City Council further finds that an enforcement system that allows a combination of judicial and administrative remedies is effective in correcting violations. (Ord 2022-1, 2022)

1.16.020: SCOPE

The provisions of this Chapter may be applied to all violations of the City Code and any other City ordinances or applicable State codes, which occur within City limits and such territory outside City limits over which the City has jurisdiction or control by virtue of any constitutional provision, law, or interlocal agreement. This Chapter establishes an additional remedy that may be used by the City to achieve compliance with applicable ordinances and codes. (Ord 2022-1, 2022)

1.16.030: EXISTING LAW CONTINUED

The provisions of this Chapter shall not invalidate any other title, chapter, or ordinance of the City or this Code, but shall be read in conjunction with those titles, chapters, and ordinances and may be used as an additional remedy for enforcement of violations thereof. (Ord. 2022-1, 2022)

1.16.040: CRIMINAL LIABILITY AND PROSECUTION

Any person, firm, entity or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of the Code, and any other City ordinances or applicable state codes, shall be guilty of an infraction and subject to penalties and/or fees.

The officers, partners, directors, managers and members of an entity shall be responsible for the acts committed by that entity. Entities and individuals shall be responsible for the acts of their agents committed in violation of this Code if they had knowledge of the act committed and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it.

The City shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of this Code or any of its ordinances or applicable code requirements. The enactment of this Chapter shall not be construed to limit the City's right to prosecute any violation as a criminal offense. If the City chooses to file both an administrative action and criminal charges for the same violation, all other remedies contained herein shall be available. (Ord. 2022-1, 2022)

1.16.050: SEVERABILITY

If any section, subsection, sentence, clause, phrase, portion, or provision of this Chapter is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this code or chapter. (Ord. 2022-1, 2022)

1.16.060: NO TORT LIABILITY

By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability. (Ord. 2022-1, 2022)

1.16.070: ACTS INCLUDING CAUSING, AIDING AND ABETTING

Whenever any act or omission is made unlawful in this Code, it shall include causing, permitting, aiding, or abetting such act or omission. (Ord. 2022-1, 2022)

1.16.080: GENERAL ENFORCEMENT AUTHORITY

Whenever an enforcement official authorized by the City finds that a violation of this Code or other City ordinances and applicable State codes has occurred or continues to exist, he or she may undertake any of the procedures herein. The designated enforcement official(s) shall have the authority to gain compliance with the provisions of the Code and other City ordinances and

applicable State codes subject to the provisions of this Chapter. Such authority shall include the power to:

- A. Withhold permits and licenses;
- B. Issue Notices of Violation;
- C. Abate nuisances or violations on public and private property; and
- D. Use any other remedy available under this Chapter or as otherwise available in law or equity. (Ord. 2022-1, 2022)

1.16.090: WITHHOLDING AND REVOCATION OF PERMITS AND LICENSES

The City may withhold and revoke a building permit, business license, or any other permit or license related to any property on which a condition exists that violates any provision of this Code or any other City ordinance or State code until such time as the condition is cured. (Ord. 2022-1, 2022)

1.16.100: NOTICE OF VIOLATION

- A. Whenever an enforcement official determines that a violation of the Code, City ordinances, or applicable State codes has occurred or continues to exist, a Notice of Violation may be issued to the responsible person. The Notice of Violation shall include the following information:
 - 1. Name of the expected responsible person;
 - 2. Street address of violation;
 - 3. Date;
 - 4. All code sections violated and a description of the condition that violates the applicable code;

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.08 - DEFINITIONS

[17.08.010: GENERAL PURPOSE](#)

[17.08.020: DEFINITION OF TERMS](#)

17.08.010: GENERAL PURPOSE

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When consistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, shall be construed as defined therein.

Pronouns of masculine or feminine gender shall be used interchangeably, in their generic sense, without connoting or denoting the actual sexuality of either group, and are not used or intended to convey gender identification. (Ord. 99-02-18-01 § 2)

17.08.020: DEFINITION OF TERMS

As used in this title:

ACCESSORY BUILDING: A detached subordinate building which is clearly incidental to and located upon the same lot occupied by the main building.

AGRICULTURE: A farming activity limited to the tilling of soil, the raising of crops, horticulture, and gardening, the accessory uses of which shall not be construed as to permit any commercial activity or raising of animals or fowl.

ALTERED: Any change in the construction of, or addition to, a building which would permit an increase in capacity or a change of use.

ALTERED, STRUCTURALLY: "Structurally altered" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

BASEMENT: A story partly underground. The basement shall be counted as a story for purposes of height measurement if its height is one-half ($\frac{1}{2}$) or more above ground.

BED AND BREAKFAST: A facility offering overnight accommodations for hire, and offering meals for only those overnight guests.

BUILDABLE AREA: That portion of a building lot not included within any required yard or open space upon which a main building may be located. Buildable areas shall be defined on subdivision plats and must be located in an area of twenty percent (20%) slope or less.

BUILDING: Any structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the highest point of the building roof to the main entrance threshold.

BUILDING INSPECTOR: The person or agency duly authorized to enforce, inspect, review, and approve construction within the city in accordance with this title.

BUILDING, MAIN: "Main building" means the principal building upon a lot, or the building housing the principal use upon the lot.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached.

CHILDCARE CENTER: A childcare facility which regularly provides custodial care for seven (7) or more children during the part of any day. Custodial care for any child shall not exceed twelve (12) hours per day. Such centers shall be licensed by the state of Utah and provide at least thirty five (35) square feet of interior floor area and at least one hundred (100) square feet of outdoor play area for each child.

CITY PLANNER: The person(s) duly appointed to administer this title.

CONDITIONAL USE: A use not ordinarily permitted in a zoning district which may be permitted only through the application and maintenance of qualifying circumstances, as provided in this title.

DRIP LINE: Vertical line from the edge of the roof to the ground.

DUPLEX: A building designed to be occupied as a two-family dwelling. Both dwelling units having a common wall, separate entrances, separate parking areas, and meeting all setback requirements, and meeting the definition of a "dwelling".

DWELLING: Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, rooming houses, and motels. Mobile homes, campers, trailers, and recreational vehicles, shall not qualify as a dwelling. All dwellings shall be a minimum dimension of twenty feet (20') (measured wide or deep), shall be set on a concrete foundation, and shall consist of a minimum ground floor area of nine hundred sixty (960) square feet, exclusive of open porches, garages, and carports.

DWELLING GROUP: A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by more than two (2) families, each dwelling meeting the definition of a "dwelling".

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building designed for and occupied exclusively by one family on a separate lot, and having only one dwelling unit, that meets the definition of a "dwelling".

FEMA: Is an acronym for the federal emergency management agency.

FLOODPLAIN: Any land area subject to being inundated by water from any source. Floodplain areas are generally defined on the flood insurance relief map (FIRM) provided by FEMA.

FLOOR AREA: The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

FRONTAGE, MINIMUM: Every building lot must have frontage on a public highway, street, public right-of-way or private lane.

FRONTAGE: The distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot. State or federal highways, to which no access is allowed, shall not be considered as frontage.

GARAGE, PRIVATE: "Private garage" means an attached or detached accessory building used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this title applicable to main buildings.

GARAGE, PUBLIC: "Public garage" means a building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling motor driven vehicles.

GRADE, EXISTING: "Existing grade" means the average level of the ground prior to any grading of the site. The average is to be measured at the front setback line(s) of a building or structure.

GRADE, FINISHED: "Finished grade" means the average level of the finished surface at the ground adjacent to the front setback line of a building or structure; and, on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building. Where a lot has no frontage on a public street, the average level for the finished ground surface adjacent to and measured along all exterior walls shall be the finished grade.

HARD SURFACE: An impermeable, dust free surfacing such as concrete or asphalt.

HOUSEHOLD PETS: Animals and fowl which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes or for food.

KENNEL: Four (4) to six (6) dogs, over the age of three (3) months.

LANDSCAPING: The installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) planted directly on the property. Use of water (i.e., pools, fountains, falls and streams) and sculptures are also included as landscape design materials. Decorative paving materials (i.e., bricks, pavers, flagstones, textured concrete) may be included, provided that they result in attractive, open space, add color or texture to the design, and create visual interest. Landscaping rocks, gravel, or wood chips may be used.

LEGAL NONCONFORMING LOT: Any land parcel that existed, as recorded in the office of the Cache County recorder, with a separate property identification number as provided by the office of the Cache County recorder and office of the Cache County assessor that were legally created for the purposes of development pursuant to the subdivision requirements of the city of Millville and/or the laws of Cache County and/or the state of Utah at that time. This does not include those parcels that were illegally created only for the purposes of transfer of ownership or for agricultural purposes.

LICENSING OFFICER: A person designated by the governing body to issue licenses.

LOT: A parcel, place, tract, or portion of land designated by metes and bounds, registered land survey, recorder's plat, or other means and separated from other parcels or portions by such description for the purpose of sale, lease, or separation thereof.

LOT, CORNER: "Corner lot" means a lot located at the intersection of two (2) streets and having two (2) adjacent sides abutting streets.

LOT CORNER MONUMENTS: Eighteen (18) to twenty four inch (24") by five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) with surveyor's official cap.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the right of way or a proposed public right of way, the line of such right of way shall be the lot line.

LOT, THROUGH: "Through lot" means any lot other than a corner lot which abuts more than one street.

LOT WIDTH: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the city council or as shown on the city master drainage plan, when adopted, in which areas no buildings shall be constructed.

OPEN SPACE: An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights of way.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: The space within a building, lot, or parking lot for the temporary parking or storage of one vehicle.

PERSONAL SERVICES: Establishments primarily involved in providing personal grooming and related services. This definition shall include barber shops, beauty parlors, tailors, etc., but not laundries or dry cleaners.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building(s) and building(s) to be erected, and showing the location of the lot and abutting streets.

PRIVATE ROAD OR PRIVATE LANE: A thoroughfare held in private ownership and controlled and maintained by one or more persons, firms, or corporations, and used or held for use primarily as a means of access to adjoining properties.

RESIDENTIAL DENSITY: The average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities into the total number of dwelling units in such area.

SETBACK: The shortest horizontal distance permitted in each zone between the boundary lines of a lot and the building structure, or part thereof.

SLOPE: A percent measurement representing the change in elevation of the land.

SLOPE CLASS: The city of Millville has made five (5) slope classifications.

Class 1 references slopes less than or equal to twenty percent (20%).

Class 2 references slopes greater than twenty percent (20%) and less than or equal to twenty three percent (23%).

Class 3 references slopes greater than twenty three percent (23%) and less than or equal to twenty seven percent (27%).

Class 4 references slopes greater than twenty seven percent (27%) and less than or equal to thirty percent (30%).

Class 5 references slopes greater than thirty percent (30%).

STREET, PUBLIC: "Public street" means any street which has been dedicated to the city, is otherwise publicly owned by the city, and is improved and constructed to the appropriate standards as required by title 16 of this code.

STRUCTURE: That which is framed, erected, constructed, or placed upon the ground; but not including fences which are six feet (6') or less in height.

UCA: Means and refers to the Utah Code Annotated.

UPDES: The Utah pollution discharge elimination system.

YARD: A space on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT: "Front yard" means any yard between the front lot line and the front corner points of the dwelling and extending for the full width of the lot for inside lots and for the full width and depth of corner lots.

YARD, REAR: "Rear yard" means a yard between the rear lot line and the rear corner points of the dwelling, extending across the full width of inside lots, and for corner lots a yard between the rear lot line extending between the side lot line and the front yard lying opposite thereto.

YARD, SIDE: "Side yard" means any yard extending from the front yard to the rear yard. (Ord. 2023-6, 2023: Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-4, 2004: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 99-02-18-01 § 2)

- H. Promote the development of the city in accordance with the city comprehensive master plan. (Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

17.04.050: EFFECT OF OTHER REGULATIONS

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance, or regulation than are established by the provisions of this title, the provisions of such other statute, ordinance, or regulation shall govern. (Ord. 99-02-18-01 § 2)

17.04.060: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS

This title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons, but shall prevail notwithstanding such provisions which are less restrictive. Enforcement of private covenants and agreements is affected only by the parties in interest and the responsibility therefor shall not be assumed by the municipality or its agents. (Ord. 99-02-18-01 § 2)

17.04.070: REQUIREMENTS DECLARED MINIMUMS

The use and regulations which apply to each zone were established in accordance with a general or comprehensive master plan designed for the same purposes for which this title is enacted. The requirements set forth herein are declared to be the minimums which are necessary to accomplish the purposes of this title. (Ord. 99-02-18-01 § 2)

17.04.080: PROPERTY USE REGULATIONS

The use of all real property within the corporate limits of the city shall be limited and restricted as follows:

- A. No land shall be used or occupied except as specifically permitted in the regulations for the zone in which it is located.
- B. No building or structure shall be designed, erected, altered, used, or occupied except as specifically permitted in the regulations of the zone in which the lot is located.

- C. No accessory building or structure shall be erected, used, or occupied before the main building has been erected and has been placed into operation. Any such accessory use building or structure may be erected only after construction of the main building has commenced. A conditional use permit may be issued for the construction of an accessory building prior to the construction of a main building with the stipulation that all other requirements for size, setbacks, etc., are met with the construction of the main building. If all requirements are not met, the conditional use permit shall be revoked and the accessory structure removed by the owner, prior to issuance of a building permit for the main building.
- D. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot or building may be sold or leased apart from such lot.
- E. No lot or parcel of land which has less than the minimum width or area requirements for the zone in which it is located may be subdivided or separated from a larger parcel of land.
- F. No building or structure shall be erected or constructed or building permit issued for a nonconforming lot until such lot is brought into conformity or variance granted by the appeal authority. (Ord. 2007-8, 2007: Ord. 2000-16 § 2: Ord. 99-02-18-01 § 2)

MILLVILLE CITY CODE

TITLE 17 - ZONING

CHAPTER 17.20A - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL (R-1)

[17.20A.010: PURPOSE; DEFINITION](#)

[17.20A.020: PERMITTED USES](#)

[17.20A.030: CONDITIONAL USES](#)

[17.20A.040: REGULATIONS AND REQUIREMENTS](#)

[17.20A.050: ACCESSORY BUILDINGS](#)

[17.20A.060: LOTS LOCATED ON PRIVATE LANES](#)

17.20A.010: PURPOSE; DEFINITION

- A. Purpose: The purpose of the R-1 zone is to provide appropriate locations where residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment of, with proper controls, the public and semipublic uses which serve the requirements of families such as churches, schools, libraries, parks, and playgrounds. The regulations are intended to prohibit those uses that would be harmful to a single- and two-family neighborhood.
- B. Definition: "Family" means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of unrelated adult persons, but not exceeding two (2) and their children related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a family. (Ord. 2000-01: Ord. 99-02-18-01 § 2)

17.20A.020: PERMITTED USES

Accessory buildings.

Agriculture.

Apartment in owner occupied, single-family dwelling.

Barbershop.

Beauty shop.

Bed and breakfast.

Childcare and/or education.

Craft store.

Duplex.

Household pets.

Municipal facilities.

Personal services.

Pools.

Public utilities.

Single-family dwelling.

Uses not listed as permitted or conditional are not permitted without approval from the city council. (Ord. 2018-6, 2018: Ord. 2009-4, 2009: Ord. 2004-4, 2004: Ord. 2003-5 §§ 1, 2, 2003: Ord. 2000-9 § 1)

17.20A.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2013-2, 2013: Ord. 2009-4, 2009: Ord. 99-02-18-01 § 2)

17.20A.040: REGULATIONS AND REQUIREMENTS

A. One Main Building: Not more than one main building may be placed upon one lot or parcel of land.

1. Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level.

B. Minimum Conditions: Minimum conditions for a single-family dwelling shall include, but not be limited to:

1. Lot area: Minimum fourteen thousand (14,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.

Minimum twenty thousand (20,000) square feet for slope class 2 lots, pending septic tank approval.

Minimum twenty six thousand (26,000) square feet for slope class 3 lots, pending septic tank approval.

Minimum thirty two thousand (32,000) square feet for slope class 4 lots, pending septic tank approval.

2. Lot frontage: Minimum one hundred eight feet (108') of clear ownership of the lot the dwelling is built on.
3. Lot slope requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. In a hillside development area, when a lot has a mix slope of slope classes 1 through 4, and the lot has seventy five percent (75%) or more of the lower slope area, the minimum lot area for the lower slope shall be allowed.

C. Front Yard Setback: Minimum thirty feet (30') from the lot line.

D. Side Yard Setback:

1. Interior lots: Minimum fifteen feet (15') from the side property line. For accessory buildings, no minimum setback shall be required, except the drip line shall be on the lot.
2. Corner lots:
 - a. Minimum fifteen feet (15') from the property line common to an interior lot.
 - b. Minimum twenty feet (20') from the property line adjacent to the street.
 - c. For accessory buildings no minimum setback shall be required at an interior lot line, except the drip line shall be on the lot. Minimum twenty feet (20') from the property line adjacent to the street.

E. Rear Yard Setback:

1. Interior lots: Minimum thirty feet (30') from the rear property line. For accessory buildings, no setback requirement except the drip line shall be on the lot.
2. Corner lots: Minimum twenty feet (20') from the rear property line. For accessory buildings, no setback requirement except the drip line shall be on the lot.

F. Building Height:

1. Maximum thirty five feet (35').
2. Height shall be measured from the highest point of the building roof to the main entrance threshold.

G. Distance Between Buildings: Corrals, barns, stables, coops, kennels and other buildings used for the accommodation of animals (except for household pets) must be located at least seventy five feet (75') from owner's existing structure and at least fifty feet (50') from a property line.

H. Building Size: The finished living area of any dwelling shall be a minimum of nine hundred sixty (960) square feet for a single-story dwelling. Living area shall be calculated excluding basement, open porches, and garages.

- I. Space Compliance: No space needed to meet the width, yard, area, coverage, parking, or other requirements for minimum lot size or setback may be sold or leased apart from such lot or building unless other space so complying is provided.

J. Minimum Conditions: Minimum conditions for a duplex shall include, but not be limited to:

1. Lot Area: Minimum twenty thousand (20,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.

Minimum twenty six thousand (26,000) square feet for slope class 2 lots, pending septic tank approval.

Minimum thirty two thousand (32,000) square feet for slope class 3 lots, pending septic tank approval.

Minimum thirty eight thousand (38,000) square feet for slope class 4 lots, pending septic tank approval.

2. Lot Frontage: One hundred twenty four foot (124') minimum.
3. Minimum Parking: Parking spaces for a minimum of four (4) cars shall be provided.
4. Exterior Elevations: Exterior elevations shall resemble a single-family dwelling.
5. Living Area: Each living unit shall have at least nine hundred sixty (960) square feet of living area exclusive of porches, garages, and carports.
6. More Than One Prohibited: Not more than one duplex may be placed upon one lot or parcel of land.
7. Minimum Distance: Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.
8. Repealed.
9. Lot Slope Requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. In a hillside development area when a lot has a mix slope of slope classes 1 through 4, and the lot has seventy five percent (75%) or more of the lower slope area, the minimum lot area for the lower slope shall be allowed.

K. Minimum Dimension: All dwellings for human occupancy shall have a minimum dimension of twenty feet (20') (measured wide or deep), be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.

L. Trash Prohibited Outside Containers: No trash, rubbish, weeds, debris, waste products or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, abandoned automobiles, automobile parts, or restoration projects shall be stored or allowed to remain on any lot in any residential zone unless such objects are out of visible sight of the public.

M. Odorous Uses Prohibited: A use shall not be permitted which creates objectionable odor in such quantity as to be readily detectable at the boundaries of the site.

N. Lot Grading Standards: For residential developments, a plan shall be prepared in a manner that will allow the following conditions to be met prior to, or as part of, actual building construction. If necessary, individual lot grading plans will be required prior to issuance of building permits:

1. A minimum fall of six inches (6") in the first ten feet (10') away from any building is required;
2. A maximum gradient of twenty one percent (21%) within four feet (4') of the foundation;
3. Usable minimum yard area of three hundred (300) square feet with a maximum slope of five percent (5%);
4. A minimum foundation exposure of six inches (6") above finished grade;
5. Slopes of three to one (3:1) and steeper must be sodded and will be accepted only when the developer and engineer can show this to be the most feasible approach;
6. Driveway grades should be maintained between 0.5 percent and five percent (5%) when possible;
7. Entry walks shall not exceed 5.0 percent;
8. Lots should be graded so that a minimum slope of two percent (2%) can be maintained between the sewer flow line in the street and the finished grade of the lowest floor elevation;
9. Minimum depth of any sewer line shall be five feet (5').

O. Legal Nonconforming Status: Vacant lots which do not meet the current frontage requirement, but can provide division and deed history showing they met historic requirements, may be granted "legal nonconforming" status and receive building permits.



AGENDA REPORT: CONFLICT OF INTEREST POLICY UPDATE October 10, 2024

Background

In 2021, the Millville City Council adopted an official Ethical Behavior and Conflict of Interest Policy. At the September 2024 City Council meeting, Councilmember June reviewed with the rest of the Council some potential code changes that would restrict elected officials from development in the City while they are in office. Following the discussion at that meeting, the Council asked Recorder Twedt to propose some possible updates to the existing Ethical Behavior and Conflict of Interest Policy that would clarify how an elected official might be restricted in participation in a meeting in which there is a conflict of interest.

The proposed updates to the Ethical Behavior and Conflict of Interest Policy define more clearly what recusal might be in Millville City when there is a conflict of interest and expands the policy to more clearly apply to appointees and other City employees – as well as elected officials – if a conflict of interest exists.

Included Documents

- Resolution 2024-18 including the Ethical Behavior and Conflict of Interest Policy showing proposed updates

**MILLVILLE CITY
RESOLUTION 2024-18**

CONFLICT OF INTEREST AND ETHICAL BEHAVIOR POLICY UPDATES

WHEREAS, the Millville City Council has created policies and procedures to promote and ensure ethical behavior as it relates to areas where there might be a conflict of interest between the best interests of Millville City and the interests of an elected officer, appointee, or employee, and

WHEREAS, it has been determined that adding some clarification and details as it relates to how an officer, appointee, or employee should recuse themselves when there is a conflict of interest;

NOW THEREFORE, be it resolved that the Millville City Council adopts the proposed changes to the Conflict of Interest and Ethical Behavior Policy

This resolution shall become effective upon adoption. Passed and approved by the Millville City Council, on this 10th day of October 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				

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, appointees, and employees 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 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, appointees, and employees 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, appointee, or employee 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

Deleted: officer's

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

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5. When a conflict of interest exists, the officer, appointee, or employee shall publicly declare the nature of the conflict, file a disclosure statement, and recuse himself or herself from any official action involving the conflict. Recusal, in this case, means that the officer, appointee, or employee will not vote on the matter and will not participate in the board's discussion of the matter in which the member has a conflict of interest. The member may sit with the public and participate in the discussion as a member of the public as is generally permitted for a typical member of the public as permitted by the remaining voting members of the council or board.
6. Officers, appointees, and employees may not realize, seek, or acquire a personal interest in a business that does business with Millville City.
7. Officers, appointees, and employees 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.

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AGENDA REPORT: PUBLIC COMMENT POLICY

October 10, 2024

Background

For the past few years, Millville City has included a Public Comment Period on the agendas for City Council meetings. Additionally, when required by law – as well as when we see a level of interest or need – the City will hold Public Hearings during which the Council requests to hear comments from the public.

At various trainings attended by staff there have been discussions of a need for a Public Comment Policy to ensure that the public comment periods are beneficial to the City and residents and that they don't get out of control.

Included here is a draft policy along with a resolution for adoption for your review. Although this level of regulation in public comments will not be needed most of the time, it is likely that we will want it at some point in the future, so having it prepared beforehand seems prudent.

There is not a rush on the adoption of this policy, so if you would like to make changes, you should discuss them at this meeting.

Included Documents

- Resolution 2024-19 including the Public Comment Policy

**MILLVILLE CITY
RESOLUTION 2024-19**

PUBLIC COMMENT POLICY

WHEREAS, the Millville City Council operates its public meetings as a limited public forum, in which time, place, and manner regulations are constitutionally permissible to maintain the orderly, civil, and efficient conduct of the Council's business while still allowing public speech; and

WHEREAS, the Millville City Council often has placed on the agenda of its public meetings a Public Comment Period during which the public is invited to speak to the Council; and

WHEREAS, the Millville City Council would like to have a Public Comment Policy that outlines what is acceptable during the Public Comment Period in public meetings; and

WHEREAS, the Millville City Council reviewed a prepared Public Comment Policy at the City Council meeting held on October 10, 2024;

NOW THEREFORE, be it resolved that the Millville City Council adopts the included Public Comment Policy.

This resolution shall become effective upon adoption. Passed and approved by the Millville City Council, on this 10th day of October 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				

MILLVILLE CITY MEETING PUBLIC COMMENT POLICY

At its discretion, The Millville City Council may notice a Public Comment Period on its meeting agenda. When a Public Comment Period is noticed, this policy shall apply. The City Council's failure to strictly enforce each regulation shall not limit the Council's ability to require substantial compliance from speakers. This policy shall apply to City Council meeting public hearings as well as open, noticed public comment portions during City Council meetings or other meetings.

Verbal Comments

- Speakers will identify themselves verbally and in writing by first and last name.
- Speakers will identify their local geographical area of residence (e.g. Millville City). The meeting chair may restrict comments to Millville City residents, businesses, and other stakeholders.
- Speakers will address comments directly to the City Council (not the Mayor, City staff, development applicants, members of the public, or others).
- Comments will be limited to 2 minutes per speaker.
- The meeting chair may designate a total reasonable length of time for comment. If no time limitation is designated, the length of time for comment shall be limited to 30 minutes per public comment period or per public hearing, unless indicated otherwise by the chair.
- The public comment period and public hearings are not free-for-all open-mic opportunities. Speakers will limit their comments to topics within the City Council's jurisdictional authority. In the case of a public hearing, speakers will limit their comments to the topics for which the public hearing was held.
- Speakers will not engage in disrespectful, disruptive, attacking, threatening, or violent behavior. Speakers will not make obscene comments or gestures.
- Clapping, booing, hissing, cheering, and other similar behavior is prohibited.
- No verbal comments may be made remotely via electronic means except as a reasonable ADA accommodation, upon request.

Written Comments

Residents may submit written comments to the City Recorder. Comments shall be delivered no later than the day prior to the meeting. The City Recorder will electronically deliver the comments to the City Council. The City Council or meeting chair will make a determination on whether or not to read or summarize the written comment during the public comment portion of the meeting.

Signs

Signs of any size or type displayed by the public are prohibited in the City Council chambers or the alternate location at which a meeting is being held.

The City Council retains discretion in the administration of this policy and may alter, add to, or subtract from these regulations for meeting decorum and efficiency.



AGENDA REPORT: BUDGET REVIEW

October 10, 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 FY25 budget through the first quarter (July 2024 – September 2024). We don't generally review the budget line-by-line at these quarterly review meetings, but we can spend as much time as the Council would like and discuss any concerns they might have.

Included Documents

- FY25 Budget with progress and percentage of the total through Q1

MILLVILLE CITY BUDGET - REVENUE		ORIGINAL	REVIEW	
Account Description		FY25 Budget	FY25 Q1	% of Total
GENERAL	Property Tax	\$163,300	\$2,175	1%
	Sales Tax	\$400,000	\$106,966	27%
	Motor Tax	\$900	\$0	0%
	In Lieu Fees - UTV Recreation Fees	\$10,000	\$3,073	31%
	Comcast Franchise	\$9,400	\$2,271	24%
	Energy Sales and Use Tax	\$190,000	\$46,225	24%
	Animal Licenses	\$4,400	\$135	3%
	Ambulance / EMS	\$45,600	\$9,827	22%
	Fines / Court	\$400	\$621	155%
	Business Licenses	\$2,700	\$38	1%
	Sanitation	\$214,000	\$45,830	21%
	9-1-1 Service	\$27,000	\$6,045	22%
	Class "C" Roads	\$140,000	\$25,930	19%
	Appro. Fund Bal. Class "C" Rd	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	100%
	Park Impact Fee	\$21,300	\$10,660	50%
	Park Impact Appropriated FB	\$2,700	\$0	0%
	Road Impact Fee	\$7,000	\$3,520	50%
	Road Impact Appropriated FB	\$0	\$0	100%
	Restaurant/RAPZ Tax Awarded	\$227,200	\$0	0%
	Youth Council	\$800	\$0	0%
	Park Rentals	\$10,000	\$3,664	37%
	Building Permits	\$6,500	\$2,128	33%
	Development Review Fees	\$2,500	\$1,454	58%
	Reimbursed Fees; Eng. & Dev.	\$5,000	\$2,243	45%
	Interest	\$40,000	\$21,479	54%
	COG Grant (reimbursement)	\$183,100	\$0	0%
	Donations	\$300	\$0	0%
	Misc. Revenue	\$200	\$1,174	587%
	Mass Transit Sales Tax/CVTD	\$41,000	\$0	0%
	TOTAL GENERAL	\$1,755,300	\$295,458	

STORM WATER	Charges for Stormwater	\$34,100	\$7,950	23%
	Stormwater Construction Fees	\$2,900	\$550	19%
	Interest	\$2,000	\$1,566	78%
	Transfer from General Fund	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	100%
	TOTAL STORMWATER	\$39,000	\$10,066	

CPT PROJ.	Interest	\$35,000	\$23,639	68%
	Appropriated Fund Balance	\$0	\$0	100%
	Transfer from General Fund	\$153,800	\$0	0%
	TOTAL CAPITAL PROJECT	\$188,800	\$23,639	

MILLVILLE CITY BUDGET - REVENUE	ORIGINAL	REVIEW	
Account Description	FY25 Budget	FY25 Q1	% of Total

WATER & SEWER	Charges for Water Service ...	\$478,000	\$149,384	31%
	Miscellaneous Income	\$14,500	\$16,700	115%
	Interest	\$35,000	\$38,887	111%
	Interest Income (Sewer Loans)	\$0	\$8,465	100%
	Water Impact Fee	\$12,200	\$6,200	51%
	Water Connection Fees	\$1,000	\$200	20%
	Charges for Sewer Service	\$420,000	\$142,153	34%
	Sewer Impact Fee	\$35,000	\$17,520	50%
	Grant Proceeds (Water)	\$0	\$0	100%
	Grant Proceeds (Sewer)	\$10,641,000	\$1,015,935	10%
	Debt Proceeds (Water)	\$0	\$0	100%
	Debt Proceeds (Sewer)	\$0	\$0	100%
	Transfer from General Fund	\$0	\$0	100%
	Transfer from Capital Project Fund	\$0	\$0	100%
	Appropriated Fund Balance	\$729,100	\$0	0%
TOTAL WATER AND SEWER		\$12,365,800	\$1,395,444	

TOTAL	\$14,348,900	\$1,724,607
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MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW	
Account Description		FY25 Budget	FY25 Q1	% of Total
GENERAL	General Government	\$44,500	\$4,359	10%
	Auditor (General) ...	\$16,000	\$0	0%
	Financial Consulting & IT (General) ...	\$14,000	\$132	1%
	Insurance (General)	\$21,000	\$14,623	70%
	Elected Officials (General)	\$21,500	\$7,198	33%
	General Non-Category Payroll	\$113,200	\$27,378	24%
	P&Z ...	\$9,900	\$0	0%
	Legal (General) ...	\$14,000	\$2,878	21%
	Engineering (General) ...	\$30,000	\$2,071	7%
	Building (General) ...	\$14,300	\$1,963	14%
	Law Enforcement	\$33,100	\$16,543	50%
	Animal Control ...	\$4,100	\$2,050	50%
	Fire	\$32,000	\$0	0%
	First Responders and EMS	\$46,000	\$23,542	51%
	Elections ...	\$500	\$0	0%
	Roads - General ...	\$137,500	\$49,710	36%
	Roads Class "C" Regular ...	\$46,000	\$385	1%
	Roads Class "C" Capital Outlay	\$0	\$0	100%
	Class "C" Designated Future Use	\$94,000	\$0	0%
	COG Road Project (Reimbursable)	\$183,100	\$2,794	2%
	Road Impact Fee Capital Outlay	\$7,000	\$266	4%
	Road Impact Fee Designated Future	\$0	\$0	100%
	Parks (General) ...	\$161,000	\$16,612	10%
	Parks/Recreation - Other ...	\$11,500	\$1,071	9%
	Park Capital Improv. RAPZ (Reimbursable)	\$228,900	\$0	0%
	Park Impact Fees ...	\$24,000	\$0	0%
	Park Impact Fees - Designated Future	\$0	\$0	100%
	Sanitation	\$210,000	\$30,404	14%
	9-1-1 Service	\$27,000	\$6,741	25%
	Disaster Relief	\$4,000	\$0	0%
	Public Safety/Emergency Preparedness ...	\$6,000	\$0	0%
	Youth Council ...	\$6,400	\$805	13%
	Designated for Future Use	\$0	\$0	100%
	Mass Transit Tax Distribution/CVTD	\$41,000	\$0	0%
	Transfer to Capital Project Fund	\$153,800	\$0	0%
	Transfer to Water-Sewer Fund	\$0	\$0	100%
	TOTAL GENERAL	\$1,755,300	\$211,525	

MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW	
Account Description		FY25 Budget	FY25 Q1	% of Total

STORM WATER	Salaries/Benefits	\$22,100	\$0	0%
	Special Dept. Supplies (SW) ...	\$9,000	\$0	0%
	Capital Outlay	\$7,900	\$0	0%
	Appropriated for Future Use	\$0	\$0	100%
	TOTAL STORMWATER	\$39,000	\$0	

CPT PROJECT	Capital Outlay - Gen Government	\$115,000	\$11,242	10%
	Capital Projects	\$0	\$0	100%
	Transfer to Water-Sewer Fund	\$0	\$0	100%
	Designated Future Use	\$73,800	\$0	0%
	TOTAL CAPITAL PROJECT	\$188,800	\$11,242	

WATER & SEWER	General (Water) ...	\$65,000	\$15,518	24%
	Salary/Benefit (Water) ...	\$166,400	\$21,443	13%
	Legal (Water) ...	\$10,000	\$0	0%
	Engineering (Water)	\$11,000	\$0	0%
	Auditor (Water) ...	\$12,000	\$0	0%
	Financial Consulting & IT (Water) ...	\$8,500	\$0	0%
	Insurance (Water)	\$9,000	\$7,104	79%
	Special Department Supplies - Water ...	\$55,000	\$10,540	19%
	Special Department Supplies - Sewer	\$1,800	\$0	0%
	City Sewer/Nibley	\$12,000	\$477	4%
	Sewer Capital Projects	\$11,495,000	\$1,038,035	9%
	Water Bond (2006) - Water Storage Tank	\$92,000	\$0	0%
	Bond (2000) - Parker Well	\$44,800	\$11,190	25%
	USDA Sewer Rev Bond	\$338,300	\$84,564	25%
	Cap. Facility Rplcmnt Fund Reserve	\$45,000	\$0	0%
	Designated for Future Use - Sewer	\$0	\$0	100%
	TOTAL WATER AND SEWER	\$12,365,800	\$1,188,871	

TOTAL	\$14,348,900	\$1,411,638
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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