

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, Marilynn 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 Zollinger 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.

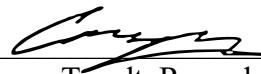
NOTICE AND AGENDA

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
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 T. Ward, City Recorder



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

POSTED: 1/12/24

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)

**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	X			
Pamela June	X			
Ryan Zollinger	X			
Clay G. Wilker	X			
Daniel Grange			X	

**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

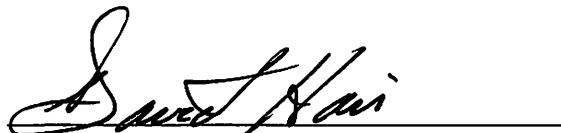
WHEREAS, the Millville City Council has reviewed the fee for returned checks and determined that updates should be made;

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.

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