

MILLVILLE CITY COUNCIL MEETING
City Hall - 510 East 300 South - Millville, Utah
February 12, 2015

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Harry Meadows, Wendy Wilker, JoAnn Thompson, Bob Bates, Zan Murray, Jake Young

Call to Order/Roll Call

Mayor Michael Johnson welcomed everyone calling the Council Meeting to order at 7 p.m. The roll call indicated Mayor Michael Johnson and Councilmembers Cindy Cummings, Mark Williams, and Ryan Zollinger were in attendance with Councilmembers Julianne Duffin and Mike Callahan excused; also Treasurer Tara Hobbs and Recorder Rose Mary Jones were present.

Opening Remarks/Pledge of Allegiance

Councilmember Cummings led all present in the pledge of allegiance.

Councilmember Callahan arrived at the meeting.

Approval of agenda and time allocations

The agenda for the City Council Meeting of February 12, 2015 was reviewed. **Councilmember Williams moved to approve the agenda for February 12, 2015.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Williams, and Zollinger voted yes with Councilmember Duffin excused. (A copy of the agenda is included with the minutes as Attachment "A".)

Reading and approval of minutes of the previous meeting

The minutes for the City Council Meeting held on January 22, 2015 were reviewed. **Councilmember Cummings moved to approve the minutes from the meeting of January 22, 2015.** Councilmember Zollinger seconded. Councilmembers Callahan, Cummings, Williams, and Zollinger voted yes with Councilmember Duffin excused. (A copy of the minutes are included as Attachment "B".)

Report on P & Z Meeting held February 5, 2015

Planning Commissioner Lynette Dickey reported from the Planning Commission meeting held on February 5, 2015. The following recommendations were presented:

- (1) Change in Fencing Ordinance 17.40.050: The Planning Commission had reviewed and recommended to the Council to support the proposed changes. (A copy of this information is included in the minutes as Attachment "C".)

The Council reviewed the proposed changes relating to corner lot requirements for fences. There was discussion about the interpretation of how the proposed ordinance is written.

- (2) Recommendation regarding City General Plan: Commissioner Dickey explained there had been several people question the roads that are included in the plan, and if and when they are planning to be built, as well as the park areas that had been identified. The Planning Commission recommended that the plan identify park areas as 'suggested' places and not 'mandatory'.

Councilmember Duffin arrived at the meeting at this time.

From the Commission minutes, there were several areas discussed regarding parks, annexation, sewer, roads, etc.; however, the motion to recommend the plan to the City Council did not address any other items except for the future park vicinities to be changed. Commissioner Dickey felt there were other areas that were to be clarified before adoption beside the park placement. (A copy of the draft P&Z minutes are included as Attachment "D".)

The Council reviewed the Zoning Map and the property which is in Millville City above the deer fence. There was discussion about whether this area should be included in the planning and zoning. It was also questioned if the state has title to the land above the deer fence. Information from the Powers and Duties Handbook as prepared by Utah League of Cities and Towns was reviewed on zoning, specifically areas that are state or federally owned, and whether they should be in our planning.

There was no specific language provided from the Planning Commission for changes discussed with the exception of including 'future park vicinities'.

Superintendent Gary Larsen explained about obtaining land for the upper reservoir in a land swap with property purchased in the north end of the valley by the City and then exchanged for the property for the upper reservoir with the Division of Natural Resources.

There was also discussion about the annexation of the Celco property (eastern property above Millville) and their deannexation from Millville to Providence. This allowed for their development to have sewer.

The Council, upon the recommendation of J-U-B Consultant Cindy Gooch, suggested no changes be made to the General Plan draft; however, they would have the comments from the Planning Commission available for the Council to review.

Consideration for action regarding Fencing Ordinance and City General Plan as Recommended by the Planning Commission

Councilmember Williams moved to set a public hearing to review the general plan on March 12, 2015 at 7:20 p.m. Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

Councilmember Zollinger moved to continue the recommendation from the Planning and Zoning to change the fencing ordinance 17.40.050 to our next Council Meeting. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

There was discussion about having the maps that are being proposed updated prior to the public hearing on the General Plan.

Councilmember Cummings moved to go into the public hearing. Councilmember Williams seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

PUBLIC HEARING

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Harry Meadows, Wendy Wilker, JoAnn Thompson, Bob Bates, Jake Young

The purpose of the public hearing was to review proposed revisions to the 2015 City Budget.

There was no public comment.

Councilmember Cummings moved to close the public hearing. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

Consideration for Approval of Revised 2015 City Budget

Recorder Jones was asked to restate the revisions proposed in the City Budget. She explained the changes are in the general fund for the following line items: revenues - the appropriated fund balance, appropriated road impact fees, CCCOG Grant; expenses - fire, first responders, roads and road impact fee capital outlay, with the totals being updated.

Councilmember Williams moved to approve the revised City Budget and budget resolution. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and

Zollinger voted yes. (A copy of the Resolution and Budget are included in the minutes as Attachment "E".)

RAPZ Project Proposal for 2015

Mayor Johnson and Development Coordinator Harry Meadows discussed the upcoming RAPZ Project Proposal. It was decided to have the project continued from the submittal last year for restrooms by the splash pad.

Councilmember Zollinger moved to postpone discussion on the RAPZ project proposal for 2015 until the next City Council Meeting. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

City Election Voting Process

Recorder Jones discussed with the Council the municipal election voting process for 2015. Several communities are considering 'voting by mail' as their election method. The Council was asked for input on how they would like the election to proceed. There were concerns expressed by the staff for doing the voting by mail and certifying the signatures, and also for the postal service within the community. There were comments about going to the polls as a positive part of voting.

Councilmember Cummings moved to continue with poll voting in the City for the time being. Councilmember Callahan seconded. Councilmember Williams explained that Vote by Mail is going to be the future method of voting, as the voting machines are now outdated and will not be replaced. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams voting no.

Presentation on Smart Growth for Cache Valley

Jake Young who is employed by Civil Solutions Group, Inc. discussed with the Council about Smart Growth for Cache Valley. This is very similar to Envision Cache Valley which had been prepared a few years ago. He expressed appreciation to Millville City enjoying the grid system, felt the people are the best asset, and we have great parks.

He reviewed different growth patterns from pioneers to the present time. He discussed some of the principles for smart growth as: implement mixed land uses, utilize compact building design, create a range of housing opportunities and choices, and create walkable neighborhoods with trails. He reviewed the growth of Hyrum and Smithfield, as they had high schools built in their midst; he felt Millville should be proactive and plan for growth with our new high school coming. He felt both Hyrum and Smithfield had a lot of growth because of these schools built. It was suggested that the population growth may also have come with a sewer system. He emphasized the need for walking and biking trails to enhance a healthy community; also a variety of affordable housing options can be enhancing to the Millennial Age and the older generation with smaller lots being more appealing.

He suggested, with the Master Plan being reviewed, that the lower half of the elementary school property be considered for use in conjunction with the school district for additional park facilities. He used Adams Park in Logan as an example, where it is part for the elementary school and is also used by the City and patrons.

He reviewed the theory of Form Based Codes which helps identify what is to happen, instead of the Ordinance Based Code which outlines with basic text what can and cannot be designed and built. This method is all about the form and not the uses allowed.

It was suggested to work toward some type of a form based code to help with a modeling profile for possible commercial areas that may be developed in the City.

Closeout of NRCS Project

Engineer Zan Murray and Superintendent Gary Larsen reviewed with the Council the NRCS Cache County Emergency Watershed Protection Flood Mitigation Project that has been ongoing for the past few years. There was approximately \$9 million expended in the valley, with \$7 million being used by Logan City. The remaining \$2 million was used on projects in Millville, Nibley, and Cache County.

A copy of the cost share summary as well as the project summary were explained. (A copy of the information is included with the minutes as Attachment "F".) The project has been completed and closed out. The City has approximately \$8,200 worth of rock that was purchased for Rip Rap that has not been used to date; there was no proposal as to what to do with the excess rock. The cost to Millville City was approximately \$40,000 which was a 25% match with 75% grant. With in-kind services removed from this total, the actual Millville Project Expense was approximately \$17,500.

Bills to be paid

The bills were presented. They are as follows:

Stephanie Eggleston	4.03	General
Tara Hobbs	120.75	Stormwater
Rose Mary Jones	195.04	Water
Adria Davis	13.05	P&Z
Chad Kendrick	215.00	Park
Julianne Duffin	4,051.18	Youth Council/Water
Alicia Nyman	5.26	Community Fair Booth
Rocky Mountain Power—		
North Park	194.31	Park
Street lights	1,123.65	Road
Shop	215.35	Building
Crossing Guard	16.96	Crossing Guard
Ball Park	7.33	Park
North Well	99.03	Water

BILLS (Continued)--

Park Well	87.32	Water
Water Treatment	113.28	Water
Highline Reservoir	790.21	Water
Public Treasurers Investment Fund	7,667.00	Water
Cache County Service Area	10,438.85	Sanitation
Cache County Service Area	1,707.00	9-1-1
Comcast	73.75	General
Peterson Plumbing	282.44	Water
Caselle	125.00	Water
AT&T	49.71	Building
Deluxe Checks	49.19	Water
Riverwoods Conference Center	1,012.32	General
Hickman Land Title	179,000.00	Capital Outlay
Pin Tech Computers	45.00	General
BRAG Area Clerks & Recorders	32.00	General
Jack's Tire & Oil	312.95	Road
Thomson Electric	114.93	Building
Watkins Printing	107.00	General/P&Z
Daines & Jenkins	20.00	Legal
Cache Valley Publishing	150.54	General/P&Z
Bridgerland Cache Animal Hospital	249.70	Animal
Maceys	45.66	General/Christmas
Melanie Nichols	95.41	Christmas
Utah Geological Survey	2,714.45	Water
State of Utah	200.00	Water
Cache Valley Fire Extinguisher	88.00	Water
Rural Water Association of Utah	765.00	Water
Crystal Inn	267.60	Water
Thatcher Company	484.23	Water
Bennetts	137.65	Building
Riverside Carwash	10.83	Stormwater
Lee's Marketplace	650.87	Water
CenturyLink	176.65	Water
Lowe's	257.64	Building/Water
Jones Simkins	774.55	ConsultingGen/Water
Salary Register	10,204.64	

Councilmember Cummings moved to pay the bills for February 12, 2015. Councilmember Callahan seconded. There was clarification on the Utah Geological Survey bill—this was for the ASR Project in the North Well. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

City Reports

Roads/Sidewalks:

Superintendent Larsen reported about the Safety Crossing lights on Main Street and the repairs needed. When they were installed, it was for safety on state road 238. The County took over this road from the state. Superintendent Larsen explained they did not seem to understand about their ownership for the lights; however, they have had an electrician do the needed repairs. He suggested that this may be brought to the Council in the future having the City taking over this maintenance. Cache County is still willing to mark the crosswalks.

Superintendent Larsen indicated the salt, sand, and snowplow budget appears to be in good shape for the year.

City Parks:

Superintendent Larsen reported the carpet for the City Office will begin tomorrow. The carpet layers will be working around various meetings to be held in the office area.

Superintendent Larsen explained there are some surplus items which the City has as follows: chalk board, television, natural gas heater, and 1971 snow plow truck. It was the consensus of the Council to have these items available during the City Celebration for silent bids. There may be more items accumulated over the next few months to add to the list.

Development Coordinator Meadows questioned if a base station for emergency preparedness could be provided in the City Office area where the records are stored. He was asked to find out exactly what is needed; Mayor Johnson indicated there would be room somewhere for this to be housed.

Culinary Water System:

Superintendent Larsen reported the ASR project is ongoing with 22 million gallons inserted into the well. There was discussion on whether the water is really being stored in the area or if it has found a gravel vein and will be unable to be recovered. Water will continue to be injected until April 1. At the time when water is withdrawn from the well, it will be more telling about the quality of the water and the nitrates and isotopes that are being tracked.

Bob Fotheringham is going to make a presentation with Millville City representatives about a Water Conservancy District in the valley tomorrow at the City Office; anyone would be invited to participate in this.

Superintendent Larsen reported the City's Garr Spring irrigation shares are proposed to be changed to a municipal use. The application for the permanent change has been prepared. Signatures on the application from the City and Garr Springs are required and will be obtained. The application and fee will then be submitted to the State Engineer for processing.

Review of Rezone Request by Martha Balph changing the Zoning from Open Space to Residential-1 on Proposed Parcels

Mayor Johnson reviewed with the Council procedural information and interpretation concerning noticing and land use issues. This was regarding the rezone request by Martha Balph changing the zoning from open space to residential-1 on proposed parcels. There was an extensive discussion on trying to make sure the City is in compliance with this zoning request and making sure the designated procedure is being followed.

It was the consensus of the Council to seek a legal opinion on this rezone, making sure it is completed correctly. Development Coordinator Meadows will talk with Attorney Carlston to obtain additional information on the procedure. This is to be included on the next City Council Meeting agenda.

Planning Commission Digital Packets

Recorder Jones reported some of the Planning Commissioners would like to use the digital format for their packets and information. The consensus of the Council was to move forward in implementing this next phase of our electronic system. Jeff Young will be contacted to have the Planning Commissioners set up on the system.

Planning Commission Appointment

Mayor Johnson indicated the term of Jim Hart on the Planning Commission is expiring. Councilmember Callahan will contact Mr. Hart to see if he would like to continue serving as a Commissioner. The appointment for the Planning Commission will be on the next Council Meeting agenda.

Councilmember Reports

Councilmember Zollinger reported the Miss Millville Pageant is coming along great. This is being made into more of a scholarship activity and the committee is currently looking for sponsors. There will be a queen with attendants chosen. There will also be six Little Miss Rodeo Princesses chosen in conjunction with the event; these will be girls with ages 5 – 7 years old. They will ride in the parade and will say the pledge of allegiance at the City Celebration.

Councilmember Callahan questioned the accessibility to the museum area for making preparations for the City Celebration.

Councilmember Duffin will not be in attendance at the next Council Meeting because of the Rural Water Association Conference. She reported on the tentative schedule for the City Celebration as follows: morning – North Park: 7 a.m., fun run; 8 a.m., tennis tourney final?; 11 a.m. or 1 p.m., water fight with firemen; afternoon – South Park: 4:30 p.m. parade; 5 p.m. specialty car show; 5:15 p.m., kids rodeo; 6 p.m. – dinner; 6:30 p.m.; entertainment – Cache Community Band? Other evening activities may include: sponge the clown, cotton candy or snow cones, face painting, dunk machine? The Youth Council will report on this again at the March 26 Meeting.

Other items for Future Agendas

Recorder Jones indicated there is legislation being proposed about having all of the audio for meetings streamed live; this is just being proposed.

Recorder Jones also informed the Council about the information that is being included on the Public Notice Website, including packet information and attachments to the minutes.

Mayor Johnson reported he had received information from the Cache County School District regarding their proposal for the school project. This information will be forwarded to the Councilmembers for their review.

Mayor Johnson also reported the purchase of property at 565 North Main is completed. There will be negotiations with property owners regarding the proposed 450/550 road project forthcoming.

As Councilmember Williams is over road infrastructure, he was asked if he would like to be on the negotiation committee to work through some of the concerns; he declined the offer. Councilmember Callahan indicated he would be willing to serve on this, as a representative for the Planning Commission.

Adjournment

Councilmember Cummings moved to adjourn the meeting. Councilmember Zollinger seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes. The meeting adjourned at 9:30 p.m.

CACHE COUNTY RESTAURANT AND RAPZ TAX PROGRAM

2015 APPLICATION FOR FUNDING

Please use the attached application form when requesting funds. The purpose of these funds is to foster the development of tourism and to enhance botanical, convention, cultural, recreational, and zoological facilities in Cache County.

A. Qualifications for Restaurant Funds:

Since 1992, the County Council has approved a 1% tax on restaurant sales that can be used for either capital projects or maintenance expenses by publicly owned or publicly operated facilities in the areas of tourism, recreation, cultural arts, and conventions. Private nonprofit organizations are eligible to receive Restaurant Tax funds for tourism promotion

B. Qualifications for RAPZ Funds:

In November 2002, Cache County voters approved a 1/10th of 1% sales tax known as the RAPZ Tax. RAPZ Tax funds can be used to support capital projects and operating expenses for recreation, parks, and zoos. They can also be used to fund cultural arts and botanical operating expenses of private nonprofit organizations, but not capital projects.

C. Criteria considered in determining funding:

Applications which are filled out completely and provide information as requested will be given priority. The following are also considered when making funding determinations: (1) The planned time frame for completing the project for which funds are requested (normally one year) (2) Percentage of funding from Restaurant/RAPZ compared to other sources, including the value of donated labor and materials – preference is given to projects which provide additional sources of support and volunteerism (3) Extent of availability or usage of project to the public/patrons - preference is given to projects where wide usage and easy access appears probable and where greater numbers of the potential target market will benefit. (4) What are the patron or participant costs to use the project/services or facility? (5) Detailed applications which include information including actual bids as opposed to rough estimates, will be given preference (6) Identification of past Restaurant/RAPZ tax funding, if any, and the effective use of those funds.

Past funding of an organization will not be considered as setting a precedent for future funding! Each year requests will be reviewed based on their own merits. Agencies which have not used previously awarded funds may jeopardize their chances for new funding.

Applications must be filled out completely including a concise overall budget of the organization, and the financial details for the specific funding request. **All information should be limited to the pages provided on the application except where additional information is requested.** Questions concerning the application request should be directed to Cameron Jensen at 755-1855, Janeen Allen at 755-1850 or Craig Buttars at 755-1851. You may also email questions to Cameron.Jensen@CacheCounty.org.

One (1) hard copy of the application must be submitted to:

Cache County
199 North Main Street
Logan, UT 84321
Application Deadline
March 6, 2015 Before 5:00 PM

CACHE COUNTY

RESTAURANT AND RAPZ TAX PROGRAM

2015 APPLICATION FORM

1. ENTITY INFORMATION					
Name:	Millville City				
Address:	PO Box 308				
City:	Millville	Zip Code:	84326	Website:	millvillecity.org
Type of Entity:	<input checked="" type="checkbox"/> Publicly Owned or Operated		<input type="checkbox"/> Private Nonprofit		
	If Private Nonprofit, list the Tax Identification Number in the box to the right and attach confirmation of 501(c)3 status				

2. PROPOSAL SPECIFICS					
Contact Person:	Harry Meadows	Email:	hwmeadows@comcast.net		
Wk Phone:		Hm Phone:		Cell Phone:	(435) 881-2977
Project start date:	5/1/15	Total Project Budget:	\$66,750	Funds Requested:	\$66,750
Project end date*:	5/1/16	*Awarded Funds must be used by 12/31/2017			
Project Title:	South Park Restroom			Rank:	1
Project Description:	Installation of a two room rest room/maintenance room. Installation of sidewalks, a septic tank and drain field, topsoil and sod.				

3. PROJECT MERIT	
a. What is the rationale and or purpose for this project?	<p>This particular Millville City Park is used for baseball, soccer, scouting, city functions and by Forest Service firefighters when needed. With the completion of the new splash pad there is insufficient rest room facilities located in this park. Millville City receives very little monies from sales tax or impact fees. Therefore it takes the City sometimes several rounds of RAPZ funds to complete a project. Without RAPZ support we would have very few facilities for city residents.</p>
b. Who are the potential beneficiaries of the project? (specify numbers and ages, etc.)	<p>The beneficiaries of these improvements will be the residents of Millville and surrounding communities. Millville has approximately 1950 residents, all of which would benefit from the rest room facilities. I have visited several park facilities in the valley and talked with the users. The biggest complaint is the lack of rest room facilities for the number of users. .</p>

c. What are the long-term effects of this project?

Currently there is only one restroom located in our cities largest park. Whereas there are many activities going on simultaneously, soccer, baseball, family functions, splash pad activities and at times large city gatherings. This project would enhance the parks available resources for its residents and other park users including Forest Service Firefighters.

4. BUDGET AND TIMELINE

a. Give a precise line item budget below or attach one to this document. Include all sources and amounts of revenue, including both cash and in-kind donations and sponsorships as well as fees for participation. Also include the amount of requested Restaurant or RAPZ Tax funds in the revenue portion. Expenses need to show a breakdown by category to include separate line item entries such as for salaries, wages, goods and services, equipment, marketing, etc.

Expenses to be paid with RAPZ funds:		Millville City Funds:
Rest room/maintenance room	\$55,000	Millville City will expend whatever funds it has to complete this project or apply again next year for RAPZ funds.
Septic Tank and Drain Field	\$5,000	
Sidewalk	\$5,000	
Topsoil	\$1,000	
Sod	\$750	
TOTAL:	\$66,750	

b. Describe a brief timeline for completing this project including the starting date as well as various phases or stages throughout the project until its completion. Attach additional pages if necessary.

order materials and let contracts	April 2015
Construction of Rest Room and septic system	April/May 2015
Completion of sidewalks	April/May 2015
Completion of landscaping	June 2015

5. PREVIOUS RESTAURANT AND RAPZ TAX FUNDING

Briefly report on the previous four years of funds received. Include the title of the project, a short description of each project and whether each project has been completed and all funds used. Please indicate if there was no application for funds, or if they were applied for but not awarded, during these years.

2011

Millville City (South) Park: Picnic Tables, drinking fountain on pad, lights and outlets, BBQ grills on pads.
North Park: Overhead doors for pavilion, BBQ grills on pads, swing set in curbed pit with fall chips. Received \$25,000.00 grant. All funds were expended. Project was completed in 2011.

2012

South Park: Remove unstable pavers and concrete, remove trees causing the raising of the existing concrete, replace walkway and add concrete pad with a covered picnic table, add shade trees.
North Park: Add a concrete pad with a covered picnic table, add shade trees.
North Bridge "Rest Area": Add a concrete pad with a canopy shelter and picnic table, trim back trees.

2013

Splash Pad. Prep for installation of splash pad, excavate and install base gravel. We have ordered and received all materials. Installation will be completed in June of 2015.

2014

Installation of Splash Pad was completed in August of 2014 to include drain and water lines, retaining wall, stairs, paver pads and benches.

6. RECOGNITION OF FUNDS

If you have received funds in the past, explain how you have publicly recognized those funds? How would you publicly recognize funds received this year?

Notice of RAPZ tax award will be sent out in city's monthly newsletter. Award will be announced in public meeting and budget hearings. A bronze plaque will be purchased and mounted on splash pad and rest room.

Signature of Entity Representative

Mayor
Title

Date

ORDINANCE 2015-

(Martha Balph Property Rezone)

WHEREAS, the owner of certain real property, described below, desire to rezone such real property within the corporate limits of Millville City, Utah; and

WHEREAS, said owner has caused a Petition for Rezone to be filed with the city, together with an accurate plat of the real property and supplementary studies for parcels identified as 03-037-0016, 03-037-0019, 03-037-0020, 03-037-0055 from Open Space to Residential-1 requested by Martha Balph; and

WHEREAS, on November 6, 2014, November 20, 2014, December 4, 2014, December 18, 2014, and January 15, 2015, the Millville City Planning Commission reviewed the request for rezoning of property from Open Space (OS) to Residential (R-1); and

WHEREAS, the Planning Commission held a public hearing on November 20, 2014; and

WHEREAS, the Planning Commission continued to study the request and was presented with a Geologic Assessment of Potential for Mudflow and Debris flow Hazards on said property; and

WHEREAS, the petitioner receded the request for rezoning parcel 03-037-0016; and

WHEREAS, the Planning Commission voted in favor of recommending the rezone for parcels 03-037-0019, 03-037-0020, 03-037-0055 from Open Space (OS) to Residential-1 (R-1); and

WHEREAS, the Planning Commission made this recommendation to the City Council to consider the rezone request on January 22, 2015; and

WHEREAS, the City Council adhered to the procedure for making the Council decision as outlined in the Millville City Ordinance 17.76.050 (C);

NOW, THEREFORE, the City Council of Millville City, Utah, hereby accepts the request for rezoning of property to parcels 03-037-0019, 03-037-0020, 03-037-0055 in Millville, Utah from Open Space (OS) to Residential (R-1).

NOW, THEREFORE, the City Council of Millville City, Utah, also accepts and approves an update to the Millville City Zoning Map.

This ordinance shall become effective upon posting in each of three (3) public places within the corporate limits of Millville City.

ADOPTED AND PASSED by the Millville City Council this ____ day of _____, 2015.

BY:

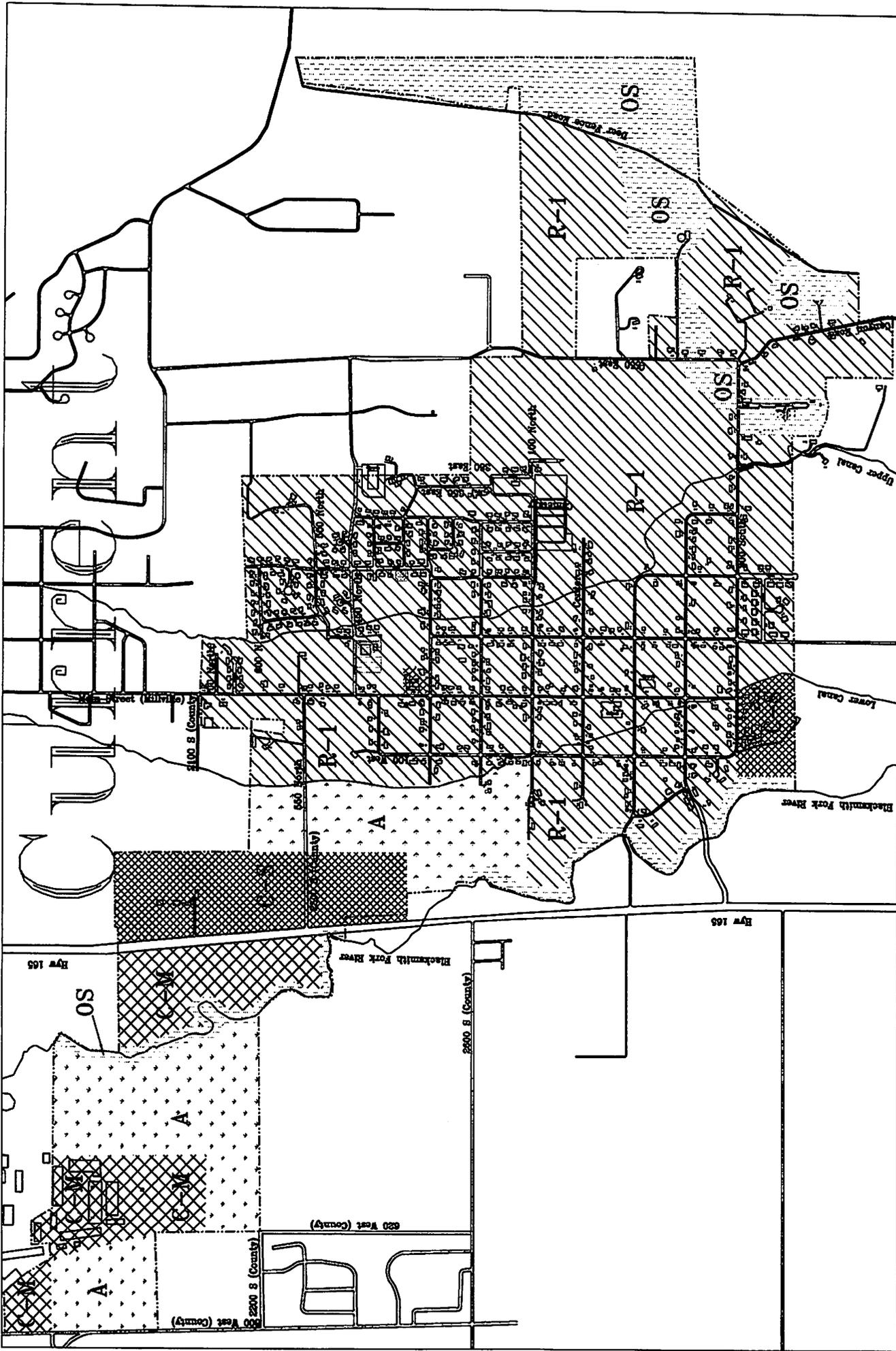
Michael E. Johnson, Mayor

ATTEST:

Rose Mary A. Jones, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan				
Cindy Cummings				
Julianne Duffin				
Mark Williams				
Ryan Zollinger				

Posted: _____



Legend:

	Agricultural (A)		Residential (R-1)
	Commercial (C-M)		Commercial (C-B)

Zoning
City of Millville

SCALE IN FEET: 1" = 400'

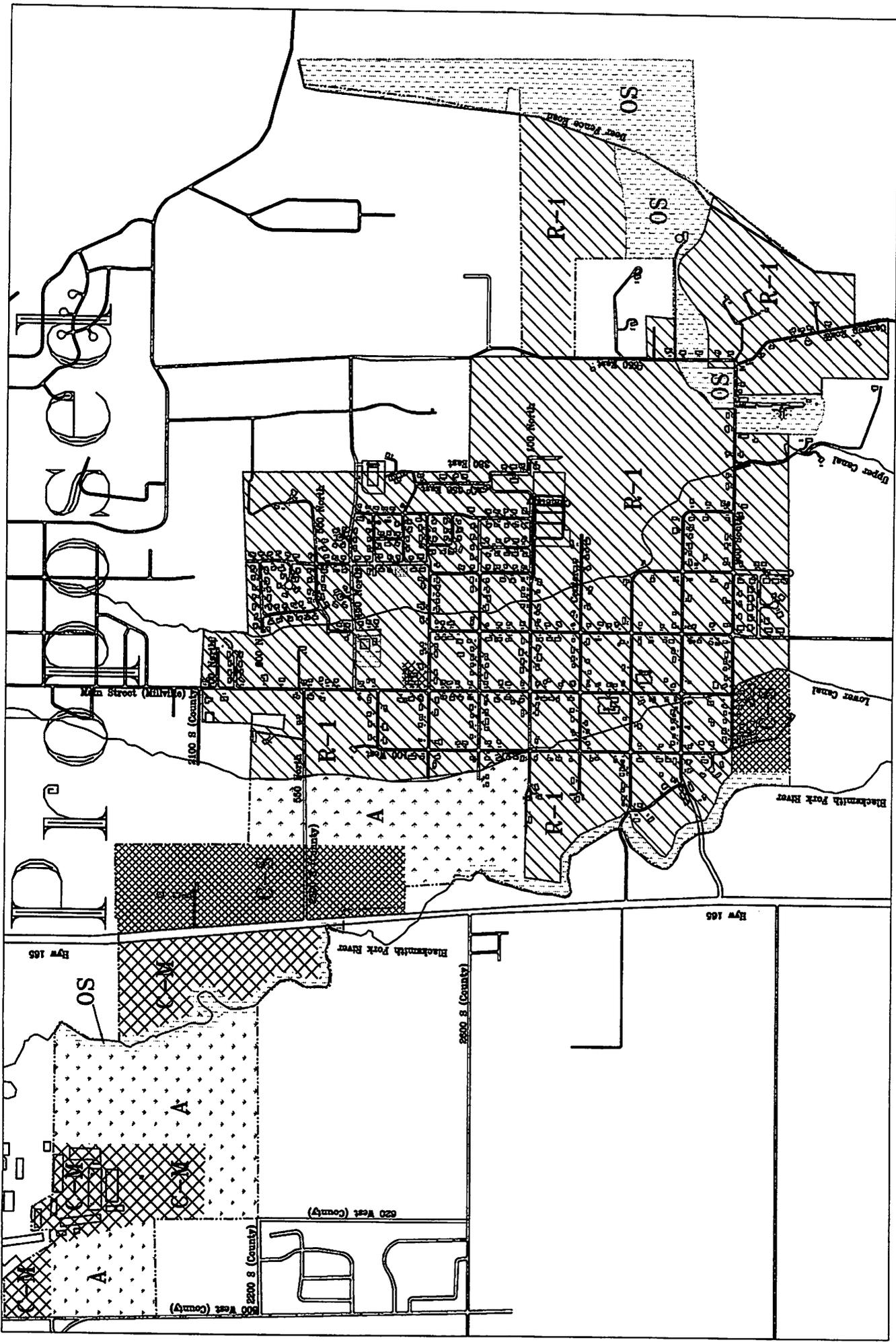
0 1000 2000



This is to certify that this map is the official zoning map for the city of Millville, North Carolina, as shown in Section 8-4 of the Millville City Ordinance.

Michael Johnson, Mayor
 Alizat Rose Mary Jones, City Recorder
 Date _____

Prepared by: David Dickey
 22 February 2014
 File: Zoning r0.dwg
 Red File: Millmst.dwg



This is to certify that this map is the official zoning map for the city of Millville, Utah referred to in Section 8-4 of the Millville City Ordinances.

Michael Johnson, Mayor
 Aileen Ross Mary Jones, City Recorder
 Date _____



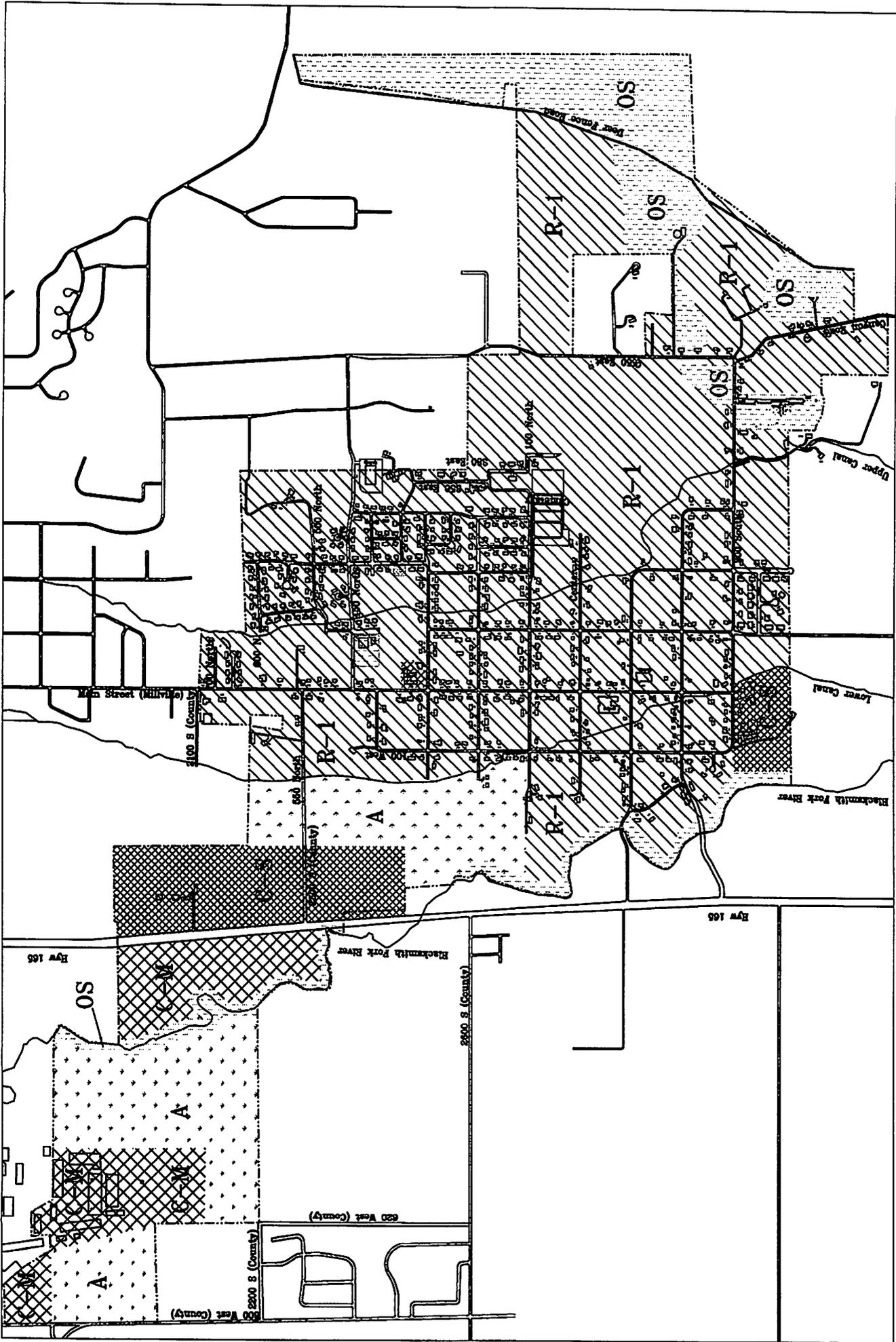
Zoning City of Millville

SCALE IN FEET: 1" = 400'
 0 1000 2000

Prepared by: David Dickey
 2 February 2015
 File: Zoning 2015 2-2 r7.dwg
 Ref File: Millman.dwg

Legend:

	Agricultural (A)
	Residential (R-1)
	Commercial (C-M)
	Commercial (C-B)
	OS



February 10, 2015

INTERLOCAL AGREEMENT (draft)

THIS INTERLOCAL AGREEMENT ("Agreement"), made by and between the CITY OF MILLVILLE ("City") and the CACHE COUNTY SCHOOL DISTRICT ("District"), together referenced herein as the "Parties," is made pursuant to the Utah Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 et seq., and is made with reference to the following recitals:

WHEREAS, the District owns parcel numbers _____, _____ containing a total of _____ acres. (School Property)

WHEREAS, the District intends to construct a new high school ("School") in the City east of State Road 165 between 100 North and 300 North; and

WHEREAS, the Parties recognize the benefit of making certain road improvements, including water and sewer lines ("Road Improvements"), to upgrade the infrastructure surrounding the School; and

WHEREAS, the Parties desire to delineate each Party's responsibility with respect to the Road Improvements; and

WHEREAS, pursuant to the Utah Interlocal Cooperation Act, any two or more Utah public agencies may enter into an agreement with one another for joint and cooperative action, including undertaking and financing a facility or improvement; and

WHEREAS, the Parties each find and expressly declare the undertaking herein contemplated, including the Road Improvements, (i) is in the best interests of their several citizens and beneficial to their health and welfare, (ii) will enable them to make the most efficient use of their powers, and (iii) will enable them to realize economies of scale and other benefits contemplated by the Interlocal Cooperation Act; and

WHEREAS, all approvals, authorizations, and other actions required to cause this Agreement to be the legal, valid, and binding obligation of each of the Parties have been or will be obtained;

NOW THEREFORE, the City and the District agree as follows:

1. Purpose. The purpose of this Agreement is to set forth the terms and provisions by which the Parties can cooperate with each other in the construction of the Road Improvements as generally described in the recitals above. The foregoing recitals are hereby incorporated into this Agreement by this reference and expressly made a part of the Agreement.

2. Costs and Responsibilities to be Borne by the District.

ROADS

- a. The District shall improve the intersection at 550 North 300 West by adding a left turn lane going west on 550 North enabling cars to turn South onto 300 West per the approved design attached and incorporated as Exhibit A.
- b. The District shall widen 300 West south of 550 North from sixty-six feet (66 ft.) wide to eighty feet (80 ft.) wide, and to City standards, with street parking available on each side of the road, and with the idea that in the future it will become a collector road.
- c. The District shall improve and extend 100 North from the southeast corner of the School Property to 100 West including a sidewalk on the north side of the improved 100 North. The District will construct a typical section that matches the ninety-nine foot (99 ft.) Right-of-Way, Swale-Residential Section per Millville City standards (attached hereto as Exhibit "B"). 100 North will be 66 feet wide adjacent to the School Property.
- d. The District shall construct on the section of 200 North and east of the School and extending to 100 West a typical section that matches the ninety-nine foot (99 ft.) Right-of-Way, Swale-Residential Section per Millville City standards (attached hereto as Exhibit "B"). The District shall further install a sidewalk on the south side of 200 North from the School to 100 West, with a swale twenty-five and one-half feet (25.5 ft.) wide to remain between the road and the sidewalk.
- e. The District shall construct a new bridge over the canal on 200 North between the School and 100 West.
- f. The District shall provide sidewalk on one side of 300 West from the roundabout to and including 100 North street to the 100 West intersection. The District shall provide sidewalk on both sides of the road from the roundabout on 300 West and north to 550 North. The District shall also provide curb and gutter on both sides of the 300 West and 100 North streets for the entire south and west sides of the School Property.
- g. The District shall pay for an eight inch (8") waterline pipe (PVC ductile) and shall coordinate with the City for water planning, approval, and connection in accordance with the City's regulations to upsize the water line pipe (PVC ductile) from eight inches (8") to twelve inches (12") from 200 North to 300 West and north along 300 West to the School Property north line, to be installed by the District and at the District's expense.

- h. The District shall pay for an eight inch (8") sewer line pipe and shall coordinate with the City for sewer planning, approval, and connection in accordance with the City's regulations to upsize the sewer line pipe (PVC ductile) from eight inches (8") to fifteen inches (15") on 100 North Street, along the School Property, 300 West Street along the School Property and from the intersection of 300 West and 2600 South to Highway 165, to be installed by the District. The sewer will connect to the Nibley City system. The District will install the sewer meter (to be purchased by the City) at the northeast corner of the 2600 South / Highway 165 intersection.
- i. The District shall transfer to the City 3.5 irrigation shares (10 acre-feet) in _____ Irrigation Company, concurrent with the issuance of the Conditional Use Permit for the School with terms acceptable to the District.
- j. The District shall complete all aspects of the project occurring in the City in accordance with Utah Code Ann. § 10-9a-305 related to public education entities.
- k. The District shall have the contractor constructing the Road Improvements and utility lines to warrant their work for a period of one year following the final inspection and acceptance of the Road Improvements and utility lines by the City.
- l. The District has provided the City with cost estimates of the road, utility, and sewer projects to assist the City in calculating with the District the City impact fees (attached hereto as Exhibit "C").
- m. To offset all professional service and inspection fees, current and future, the District shall cover the entire cost of reconstructing the canal diversion structure at 100 North and 100 West (\$15,000 estimate for this structure).
- n. The District shall coordinate with Millville City Public Works regarding the telemetry installation for the sewer meter.

3. Responsibilities and Costs to be Borne by the City.

- a. The City shall pay to upsize the water line pipe (PVC ductile) from eight inch (8") to twelve inch (12") from 200 North and 100 West to 300 West and then North along 300 West to the School Property north line.
- b. The City, at its option, shall pay to install and extend the water line from the north line of the School Property at 300 West to 550 North.
- c. The City, at its option, shall pay to install and extend the sewer line from the North end of the School Property at 300 West to 550 North.

- d. The City shall install any additional future sewer lines, whether needed east of the east School Property line for the purpose of collecting water from the homes on 200 North and 300 North, or otherwise.
- e. The City shall purchase the sewer meter that will be installed by the District at the intersection of 2600 South and Highway 165.
- f. The City shall provide a Conditional Use Permit pursuant to its Zoning Ordinance acceptable to the District after the District has purchased the property intended for the School but prior to the start of the permitted use.
- g. The City shall pay all costs of maintenance of the roads and Road Improvements and sewer and water lines, except the District shall maintain laterals of sewer and water lines only serving the School Property.
- h. The City pays for materials and installation for a water line stub on 200 North.
- i. All current and yet to be incurred professional service and inspection fees.
- j. The City agrees that no additional impact fees will apply when the 10 classroom addition is added in the future.

4. Additional Rights/Powers of the City.

- a. The City may elect at its sole expense to participate in the construction inspections and acceptance of the work with equal standing to the District's designated representative.

5. Impact Fees. The City shall calculate proposed impact fees for the District as a result of the School, based upon the Utah Code, City Code, and as reasonably established by the City. The proposed impact fees shall be agreed upon between the City and the District. The District may offset the following items from the agreed upon impact fees (refer to Exhibit C for associated costs and Exhibits D1 and D2 for the District's Impact Fee Analysis):

- a. Cost of improvements to 550 North 300 West intersection.
- b. Cost of improvements to widen 300 West from sixty-six feet (66 ft.) to eighty feet (80 ft.). The cost of property to widen the road from sixty-six feet (66 ft) right of way to an eighty foot (80 ft) right of way.
- c. Cost of improvements and utilities from the Southeast School Property line on 100 North, east to 100 West.

- d. On 200 North, One-half (1/2) the cost of improvements and utilities from the east School Property Line to the canal and all the cost of improvements and utilities from the canal to 100 West.
- e. The cost of upgrading the sewer line pipe size from eight inches (8") to ten inches (10"), twelve inches (12"), or fifteen inches (15"). The cost to increase depth of sewer to 550 North.
- f. The cost of upgrading the waterline pipe size from eight inches (8") to twelve inches (12") within the school.
- g. The cost of materials and installation to upsize the sewer line from eight inches (8") to fifteen inches (15") from 300 West along 2600 South west to Highway 65.
- h. The cost of sewer meter, manhole, telemetry, and installation and connection of the meter at the intersection of 2600 South and Highway 165.
- i. The cost to upgrade the intersection of 2600 South and 300 West from a T-intersection to a roundabout.
- ~~j. The cost of improvements to 2600 South (Bridge), and 2600 South and State Road 165 intersection including the traffic light will be factored into the impact fees to Millville City. These costs and improvements will significantly reduce the number of student trips within Millville City and provide Millville City residents a controlled access to SR 165. These improvements replace the proposed City improvements of 300 North and SR 165 in the City Transportation Master Plan.~~
- k. Cost of materials and installation of the water line not required for fire protection on the school property (shown in pink on Exhibit D).
- l. Costs for materials and installation to extend the water line from the northeast property of the district at 300 West to 550 North.
- m. Costs for materials and installation to extend the sewer line from the northeast property of the district at 300 West to 550 North.
- n. Additional future sewer lines identified east of the east school property line on 100 North and 200 North.
- o. District shall cover the entire cost of reconstructing the canal diversion structure at 100 North and 100 West (\$15,000 estimate for this structure).

6. Duration of Agreement. This Agreement shall become effective on the date it has been approved by the executive and legislative bodies of each party or as otherwise required by Utah Code Ann. §11-13-202.5. The Agreement shall remain effective until the completion of the various infrastructure projects and acceptance by the City, and performance by both parties of the terms and conditions of this Agreement.
7. Termination. Termination of this Agreement prior to the expiration of its term is not contemplated. However, this Agreement may be terminated early under the following conditions:
 - a. Upon mutual written agreement by the Parties; or
 - b. In the event of a material breach of this Agreement by either party, the non-breaching party shall give written notice of the alleged material breach to the other party, with a request that the breach be cured within thirty (30) days of the written notice. In the event the stated breach is not cured within the thirty (30) day time or shorter period, the non-breaching party may terminate this Agreement by giving a sixty (60) day written notice to the breaching party of termination. Provided, however, additional time shall be allowed as may be required to diligently complete a cure reasonably commenced within the original thirty (30) day period of time. A material breach is defined as intentional or willful neglect of any of the provisions of this Agreement. A non-material breach shall be resolved by the contact persons/representatives of the Parties, provided that the refusal or neglect by either party to cure a non-material breach may be sited as a material breach within the reasonable discretion of the non-breaching party.
8. Damages/Expenses. All costs, damages, and expenses incurred by a non-breaching party because of a default or a breach by the other party of this Agreement shall be the responsibility of the defaulting or breaching party.
9. Indemnification. Each party shall indemnify, save harmless and defend the other party, and the other party's officers, agents, employees and representatives, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may hereafter arise or be incurred, that are caused in whole or in part, by any negligent or wrongful act or omission of the indemnifying party, its officers, agents, employees and representatives.
10. Governing Law/Disputes. This Agreement is governed by and shall be interpreted in accordance with the laws of the State of Utah. Any litigation arising hereunder must be filed in the First Judicial District Court in and for Cache County, State of Utah.
11. Severability of Agreement. If any provision of this Agreement is found to be in violation of law or unenforceable, then notwithstanding any other provision of this Agreement, the remaining provisions of the Agreement shall remain effective and be

interpreted consistent with the remaining provisions to give effect to the mutual intent of the Parties to the maximum extent allowed by law.

12. Entire Agreement. This Agreement contains the entire Agreement between the Parties, and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force and effect.
13. Headings and Paragraph Numbers. Headings and paragraph numbers have been inserted solely for convenience and reference and shall not be construed to effect the meaning, construction of effect of this Agreement.
14. Binding/Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their agents, successors-in-interest, assigns and transferees. This Agreement may not be assigned without the prior written consent of the non-assigning party, which consent shall not be unreasonably withheld.
15. Authorization. The undersigned representatives of each party confirm his or her authority to execute this Agreement and represent that his or her governing body has authorized this Agreement.
16. Modification. This Agreement may not be changed, altered or modified without the written consent of the Parties.
17. The Parties have articulated herein the ongoing maintenance responsibilities and once the construction is completed and the warranty period expired, the purposes of this Agreement shall be deemed fulfilled and the Agreement shall terminate of its own accord and without further action by either party.

DATED this _____ day of February 2015.

CITY OF MILLVILLE

By _____
Its _____

Approved by Attorney for the City of Millville

DATED this _____ day of April, 2014.

CACHE COUNTY SCHOOL DISTRICT

By _____
Its _____

Approved by Attorney for
Cache County School District

Miles P. Jensen

Ordinance 2015-

A Revision to Ordinance 17.40.050: FENCING

WHEREAS, the Millville City Planning Commission reviewed said ordinance and recognized the need to make a change; and

WHEREAS, the Millville City Planning Commission discussed this issue at various Council Meetings in November and December in 2014 and also in January, 2015; and

WHEREAS, the Planning Commission held a public hearing on the proposed changes on February 5, 2015; and

WHEREAS, the Planning Commission recommended the revision to the City Council on February 12, 2015;

NOW THEREFORE, BE IT ORDAINED, the Millville City Council adopts the revisions to the Millville City Code as follows:

17.40.050: FENCING:

D. Corner Lot Requirements:

REPEAL:

3. Notwithstanding any other provisions herein, a fence which does not obstruct view (i.e., chain-link fence) may be erected to a height of six feet (6') in any yard abutting a street within the setback area. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.

ADOPT:

3. Notwithstanding any other provisions herein, a fence may be erected to a height of six feet (6') in any yard abutting a street within the setback area.

PASSED by the Millville City Council on this _____ day of _____, 2015.

EFFECTIVE DATE: This ordinance to be effective on _____.

APPROVED

Michael E. Johnson, Mayor

I, the undersigned, Rose Mary A. Jones, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Millville City Council at a regular meeting duly convened on

_____.

(SEAL)

Rose Mary A. Jones, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan				
Cindy Cummings				
Julianne Duffin				
Mark Williams				
Ryan Zollinger				

Posted: _____

Councilmember Reports February 26, 2015

Sign into Millville – Mayor Johnson/Councilmember Duffin
Fees in Lieu of Water Rights – Gary Larsen/Bob Fotheringham
Review of Group Residential Facilities – Coordinator Harry Meadows
Volunteerism Always Pays (VAP) Projects provided by Wal-Mart – Mayor Johnson
City Artifacts – Councilmember Callahan
Old Mill Day Committee – Councilmember Duffin
CERT Training Program – Councilmember Cummings
Water Rights Recommendation from Planning Commission – Mayor Johnson
High School – Councilmember Duffin
Schedule for Newsletter Article – March, Councilmember Duffin; April, Councilmember Williams; May, Councilmember Zollinger; June, Mayor Johnson; July, Councilmember Callahan; August, Councilmember Cummings. (To be turned in by the 6th of each month)