

**MILLVILLE CITY COUNCIL MEETING**  
**City Hall – 510 East 300 South – Millville, Utah**  
**October 22, 2015**

**PRESENT:** Michael Johnson, Cindy Cummings, Julianne Duffin, Mark Williams, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Harry Meadows, Gary Larsen, Zan Murray, Mikaeli Hill, Hannah Williams, Carissa Mathews, Stratford Simmons, Emily Pehrson, Gavynn Melani, Grayson Anderson, Jason Johnson, Jacob Hale, Ephraim Hale, Laci Leishman, Kaitlyn Woolley, Conner Woolley, Kennady Zollinger, Kie Allred, Dallin Caldwell, Harrison Low, Clayton Ransom, Trent Tibbitts, Dax Zollinger

**Call to Order/Roll Call**

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

**Opening Remarks/Pledge of Allegiance**

Councilmember Williams welcomed the Scouts and Youth Council and all who were present and expressed his appreciation for their attendance. He encouraged them to stay at the meeting as long as they would like. He then led everyone in the pledge of allegiance.

**Approval of agenda and time allocations**

The agenda for the City Council Meeting of October 22, 2015 was reviewed.

**Councilmember Cummings moved to approve the agenda for October 22, 2015.**

Councilmember Duffin seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan 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 for October 8, 2015.

**Councilmember Cummings moved to approve the minutes for October 8, 2015.**

Councilmember Duffin seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan excused. (A copy of the minutes is included as Attachment "B".)

**Youth Council Introductions / Oath of Office**

Councilmember Duffin recognized the Youth Councilmembers attending the meeting by having them stand. The Oath of Office was then given to them by Recorder Jones.

**Consideration of Adopting BRAG Disaster Mitigation Plan**

Mayor Johnson discussed the Disaster Mitigation Plan that had been prepared by BRAG for the Council to consider for adoption. Councilmember Duffin questioned if the entire plan was being adopted or just the part relating to Millville City; it was understood to be the entire document.

Development Coordinator Meadows indicated there was a FEMA representative coming to a discovery meeting to be held on October 28 and 29 at BRAG to discuss the Cache County Risk Map. All were invited to attend.

**Councilmember Cummings moved to adopt the BRAG Disaster Mitigation Plan as presented.** Councilmember Williams seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan excused. (A copy of the resolution adopting the Disaster Mitigation Plan is included with the minutes as Attachment “C”.)

**Review of Business Licenses for 2016 Renewal**

Recorder Jones reviewed with the Council the current listing of businesses which are licensed in preparation for the 2016 license renewals. The Council requested having appointments made with the owners of two businesses – D&B Equipment and Artistic Rail. Concerns regarding these businesses will be addressed, i.e. parking and having the business outgrown in size in a residential area where they reside. Recorder Jones will make contact with these individuals and request having them attend the next Council Meeting to review concerns about each business. Also, the YESCO Company has notified the City that they no longer will be in business in the City. There was also a question on the physical location of the DD Heavy Towing & Recovery business, as they have changed location from the one listed. (A copy of the information reviewed is included with the minutes as Attachment “D”.)

Councilmember Cummings indicated she will not be in attendance at the Council Meeting on November 12.

**Review of Water Shares Available to be Leased**

Recorder Jones discussed with the Council the water shares which will be available to be leased for the next two years, as well as those currently leased. (A copy of the information reviewed is included with the minutes as Attachment “E”.) The consensus of the Council was to advertise by posting the information in the City’s posting locations starting the bidding process. All bids are to be received by December 4, 2015 at 5 p.m.

**Consideration of Revision for the 2015-16 Fiscal Year Budget**

Recorder Jones reviewed with the Council proposed changes in the fiscal year 2016 budget. (A copy of the information reviewed is included with the minutes as Attachment “F”.) The funding for the 450/550 North project has been granted by CCCOG and approved by the County Council in the amount of \$1,735,000 with Millville City paying \$122,000 of that amount as a funding match. The revised budget will reflect part of the funding, as this will be carried over a two-year period. Road impact fees will be budgeted to cover the costs of the match for the road projects during this fiscal year. Also the funding for the stormwater drain line was rebudgeted for this year, as it was not completed in the last fiscal year. As there will be no election held this year, the budgeted amount was decreased significantly. The consensus of the Council was to have a public hearing on this tentatively set for the December 10 Council Meeting.

Superintendent Gary Larsen also discussed possible projects for spending the road impact monies. They are: completing 200 East from Center to 100 North, rebuilding 100 West between 200 and 300 North, and making improvements on the Bench Road between Millville and Providence. There was discussion about using Class “C” monies for these projects as well.

**Interlocal Agreement with Cache County School District/Conditional Use Permit**

Mayor Johnson along with Engineer Murray reviewed with the Council a draft of an interlocal agreement between Millville City and Cache County School District. (A copy of the information reviewed is included with the minutes as Attachment “G”.) There was discussion about whether impact fee funds are being fully expended by the school district with the infrastructure they have built. There were opinions expressed about the City giving up different options with the concern that no money is changing hands for the impact fees. It was also expressed that there is a lot of value given to the City by the school district i.e. increased road sizes, sidewalks, etc. There was also discussion about the roundabout to be built at 450 North and Main Street and how the 450 North road will tie into 550 North at approximately 100 West. The parcel number for the school property was identified to be 02-12-0010.

After reviewing the proposed agreement draft, **Councilmember Duffin moved to approve the Interlocal Agreement/Conditional Use Permit with Cache County School District as reviewed.** Councilmember Williams seconded. Councilmembers Cummings, Duffin, and Williams voted yes with Councilmember Zollinger voting no and Councilmember Callahan excused. Engineer Murray will prepare the agreement in final form before submitting it to the School District.

**Bills to be paid**

The bills were presented. They are as follows:

Mike Johnson	50.00	General
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**BILLS (Continued)--**

Julianne Duffin	51.56	Youth Council
Tara Hobbs	31.05	General
Gary Larsen	42.80	Park
Bear River Health Department	40.00	Water
Peterson Plumbing	30.88	Water
Questar	18.97	NorthPark/Building
Maverik	327.36	Road
Ecosystems	46.00	Water
CenturyLink	180.85	General
Turf-It Landscaping	300.00	North Park
Intuit	503.00	General
Rocky Mountain Power	1,158.03	Street lights
Olson & Hoggan	210.00	Legal
Olson & Hoggan	160.00	Legal
Lewis Young Robertson & Burningham	2,525.00	General Plan
Utah Local Governments Trust	248.55	General
Utah Geological Survey	1,465.29	Water
J-U-B	6,622.03	General
ACN Communications	15.44	Building
Maceys	99.46	General/Youth Council
Comcast	73.75	Building
Cache County Recorder	32.00	Zoning
South Fork Hardware	31.39	Water
AT&T	50.13	General
J. P. Cooke Co.	72.86	Animal Control
Staples	110.97	General
Hanceys	925.00	Water
HD Supply Waterworks	5,417.64	Water
State of Utah	50.00	Water
Jones Simkins	2,753.03	General/Water
Utah Labor Law Poster Co.	67.25	General
Salary Register	7,353.03	

**Councilmember Cummings moved to approve the bills.** Councilmember Zollinger seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan excused.

**City Reports**

**Roads/Sidewalks:**

Superintendent Larsen discussed the possibility of using Class “C” monies on the CCCOG project match and using the road impact fees on the 200 East proposed road. It was the consensus of the Council to apply the road impact fees to the City’s match for the CCCOG grant.

**City Parks:**

Superintendent Larsen reported the last mow for the summer on the North Park will be next week. Turf-It will then be done for the season.

**Culinary Water System:**

Superintendent Larsen reported that the upgrade on the City well pump is underway. He will be ordering the pump. This is to be on line and running by next spring. Superintendent Larsen indicated this is being handled through Glenn's Electric.

Superintendent Larsen also indicated that they are looking into the project for Auto Meter Reads for the water system. There was discussion about whether this should be put out to bid. Superintendent Larsen explained there are different types of systems; they are trying to obtain one that best fits the needs of our City. There will be more information forthcoming on this in the upcoming meetings.

The ASR project is basically closed. Invoices have been compiled and will be submitted to the County to receive the \$16,000 grant which had been previously awarded. Currently Utah Geological Survey has granted the City \$21,000 as well. Superintendent Larsen estimated the cost for Phase 2 of this project for Millville City will be between \$6,600 and \$8,000.

The final report is being processed through Utah Geological Survey. When it is completed, a presentation will be made to the Council on the results of the project.

Superintendent Larsen reported the Youth Council will be doing a service project on Saturday, beginning at 11 a.m. They will be painting the fire hydrants in the City.

Councilmember Duffin questioned the land contour (pile of dirt) on the southwest corner of the school. Superintendent Larsen explained this is an agreement between Delmar Anderson and DWA Construction. The dirt is owned by Mr. Anderson and he is planning to sell it.

Councilmember Duffin also indicated that Nibley City is planning to build a trail along the river to the bridge on the property they own which is in Millville City boundaries.

**Form-based Code Development**

Mayor Johnson indicated information had been forwarded to the Council from Councilmember Callahan on his findings regarding the Form Based Codes. It states:

I spoke with Mayor Lloyd Berentzen from North Logan and with Cordell, his city planner, about their adventure with form based codes (FBC). Here's what they reported:

- Both were very satisfied with Jake Young and his firm's participation in the effort
- In addition to the FBC they also used Jake to help them with development of a master plan
- They had pre-existing design guidelines which were incorporated into the FBC final product
- They had both developers and land owners of areas anticipating development on their FBC development team
- The developers experience since the FBCs were put in place have been very positive.
- Both the Mayor and Cordell were very positive about the end results of their FBC project

Councilmember Duffin indicated she had spoken with Nibley City Manager David Zook and he also had good reports regarding the work completed by Jake Young and his company.

Mayor Johnson indicated he will place this on the agenda as an action item at the next meeting.

### **Councilmember Reports**

(A copy of the Councilmember Reports information reviewed is included with the minutes as Attachment "H".) There was discussion about whether the newsletter article reminder should remain on the Councilmembers Reports list; it was the consensus to let it remain.

### **Other items for Future Agendas**

Engineer Murray reviewed the 450/550 North Road project timeline. There has been a surveyor on site already getting the property surveyed. They have scheduled a conference with the utility companies on November 4 to see about relocating the utilities.

A high priority is to complete the property acquisition; this will be discussed in an executive session at the next Council Meeting. Engineer Murray will work to have property appraised for the 450/550 North Project and also the property west of the cemetery. It was requested that the appraisals be completed and billed separately.

The construction drawings are being worked on at the present time. They should be completed and ready for bidding in January. In February the bids should be released with construction beginning in March. There was a concern that there had been no review or conversation on how the construction for the project, the roundabouts, etc. should be built; the Council has not reviewed any of this material.

**Adjournment**

**Councilmember Williams moved to adjourn.** Councilmember Cummings seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan excused. The meeting adjourned at 8:20 p.m.

# ATTACHMENT "A"

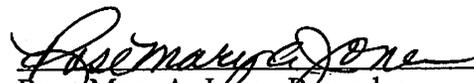
## NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled council meeting on Thursday, October 22, 2015, at the Millville City Office, 510 East 300 South in Millville, Utah, which meeting shall begin promptly at 7 p.m. (Please note the time given to each agenda item is an approximate time.)

1. Call to Order / Roll Call – Mayor Michael Johnson.
2. Opening Remarks / Pledge of Allegiance – Councilmember Mark Williams.
3. Approval of agenda and time allocation.
4. Approval of minutes of the previous meeting – October 8, 2015.
5. Action Items—
  - A. Youth Council Introductions / Oath of Office – Councilmember Julianne Duffin – 7:03 p.m.
  - B. Consideration of Adopting BRAG Disaster Mitigation Plan – Mayor Michael Johnson – 7:05 p.m.
  - C. Review of Business Licenses for 2016 Renewal – Recorder Rose Mary Jones – 7:10 p.m.
  - D. Review of Water Shares Available to be Leased – Recorder Rose Mary Jones – 7:15 p.m.
  - E. Consideration of Revision for the 2015-16 Fiscal Year Budget – Recorder Rose Mary Jones – 7:20 p.m.
  - F. Interlocal Agreement with Cache County School District/Conditional Use Permit – Mayor Michael Johnson – 7:25 p.m.
  - G. Bills to be paid.
6. Discussion Items—
  - A. City Reports.
    1. Roads/Sidewalks – Superintendent Gary Larsen.
    2. City Parks – Superintendent Larsen.
    3. Culinary Water System – Superintendent Larsen.
  - B. Form-based Code Development – Mayor Michael Johnson.
  - C. Councilmember Reports.
  - D. Other items for Future Agendas.
7. Adjournment.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Rose Mary Jones at (435)752-8943 at least three working days prior to the meeting.

Notice was posted on October 19, 2015, a date not less than 24 hours prior to the date and time of the meeting and remained so posted until after said meeting. A copy of the agenda was sent electronically to the Utah Public Meeting Notices website (<http://www.utah.gov/pmn/index.html>) on October 19, 2015.

  
Rose Mary A. Jones, Recorder

# ATTACHMENT "B"

**MILLVILLE CITY COUNCIL MEETING  
City Hall – 510 East 300 South – Millville, Utah  
October 8, 2015**

**PRESENT:** Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Ryan Zollinger, Rose Mary Jones, Harry Meadows, Gary Larsen, Bob Bates, Martha Balph, Brennan Duffin, Josh Blankenship, Parker Cummings, Seth Duffin, Fred Philpot, Brookelin Waldron, Brock Norris, Cassie Wilker, Wendy Wilker, Clay Wilker, Hailey Checketts, Heidi Checketts, Kimberly Walton, Sadie Anderson, Michael Duffin, Sara Duffin, Zan Murray, Michael Harris, Bruce McConkie

### **Call to Order/Roll Call**

Mayor Michael Johnson opened the Council Meeting calling the meeting to order at 7 p.m. The roll call indicated Mayor Michael Johnson and Councilmembers Cindy Cummings, Julianne Duffin, and Ryan Zollinger were in attendance with Councilmember Mark Williams excused and Councilmember Michael Callahan absent. Also Recorder Rose Mary Jones was present.

### **Opening Remarks/Pledge of Allegiance**

Councilmember Duffin led all who were present in the pledge of allegiance and then offered a prayer.

**Councilmember Callahan arrived at the meeting at this time.**

### **Approval of agenda and time allocations**

The agenda for the City Council Meeting of October 8, 2015 was reviewed.

**Councilmember Duffin moved to approve the agenda for October 8, 2015.**

Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams 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 for September 24, 2015.

**Councilmember Cummings moved to approve the minutes for September 24, 2015.**

Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the minutes is included as Attachment "B".)

**Report on P & Z Meeting held October 1, 2015**

Development Coordinator Harry Meadows reviewed with the Council the Planning Commission Meeting Minutes held on October 1, 2015. There was a question regarding the public hearing for the rezone request, as it was scheduled for October 29 instead of October 15; this was because of the lack of a quorum available for the October 15 meeting. These minutes are included as Attachments "C".

**Introduction of 2015-16 Youth Council/Oath of Office**

Councilmember Duffin indicated several of the Youth Council were involved with a football game at Mt. Crest this evening and were unable to attend the Council Meeting. The members not in attendance will be invited to attend the City Council Meeting on October 22, 2015 to take the Oath of Office.

The Oath of Office was given to all of the Youth Council by City Recorder Jones.

Councilmember Duffin introduced to the Council Brookelin Waldron who will be serving as the Youth Council Mayor through December, 2015.

Youth Council Mayor Waldron identified members with whom she will be serving as: Councilmember for Community Events - Josh Blankenship, Councilmember for Service - Sadie Anderson; and Councilmember for Government Leadership -Laci Leishman. The Youth Council Leadership from January - June, 2016 will be: Mayor, Tori Nyman, Councilmember Community Events, Dixon Johnson; Councilmember Service, Mikaeli Hill; and Councilmember Government Leadership, Laci Leishman. Serving for the entire year as Recorder (Secretary) will be Kaitlyn Woolley and as Treasurer, Kimberly Walton. She explained there are three committees: community events, service, and government leadership with several youth serving as committee members. The theme for the Youth Council for the year is "To be inspired is great but to inspire is incredible."

**Report from Youth Council**

Youth Council Mayor Waldron reported the Youth Council had participated in the USU Ropes Course which was really fun and gave them training in team work and problem solving; they plan to do this again next summer. The Youth Council had also been involved with the Top of Utah Marathon where they helped at one of the aid stations.

Councilmember Duffin encouraged the Youth Council to stay if possible to watch how government works in Millville City; however, they could leave if they were needing to get to the football game.

**Review of Comcast Franchise Agreement**

Mayor Michael Johnson reviewed with the Council the Comcast Franchise Agreement. Kirk Nord, representative from Comcast, had been in touch with Mayor Johnson earlier during the day. As he was driving from southern Utah, Mayor Johnson did not feel he would have to be in attendance at the meeting. The agreement had been reviewed by our legal counsel and he felt he would be available to answer any questions via telephone.

Mayor Johnson indicated in Section 4 page 9, it states, the rate of the franchise fee is 3% and questioned if it should be higher. There was discussion about the Telecommunications License Tax. This tax had been negotiated and set; verification will be made that it should be 3%.

**Councilmember Zollinger moved to move this to the next meeting so research could be completed on the franchise fee percentage.** There was no second to the motion.

**Councilmember Zollinger moved to accept the Franchise Agreement with Comcast upon the condition that the franchise fee meets the state and our ordinance as previously determined approving Resolution 2015-13.** Councilmember Duffin seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (The agreement and resolution are included with the minutes as Attachment "D".)

**Consideration for Updating Millville City Zoning Map**

Mayor Johnson reviewed with the Council information from the Utah State Code regarding updating the zoning map with changes or amendments. Information from the ULC&T Powers & Duties book regarding the process for changing the zoning map was also reviewed. The Zoning Map had not been prepared at the time the rezone for the Balph property was approved. The procedure for how and when the map should be drawn was discussed. It was suggested to have the Planning Commission consider the zoning map with the recommended changes. A public hearing should be held on the map and then a recommendation made to the City Council.

**Councilmember Callahan moved to have the map go back to the Planning Commission and incorporate the change for the Balph rezone and also give the P&Z the opportunity to incorporate the other rezones which have been proposed.** Councilmember Zollinger seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the proposed map showing the Balph rezone and ordinance are included with the minutes as Attachment "E".)

Development Coordinator Meadows will have this information available for the Planning Commission's public hearing to be held on October 29, 2015.

**Review of Impact Fee Analysis on the Road, Park, and Water Fees/Consideration for Setting a Public Hearing**

Councilmember Duffin yielded to Fred Philpot representing Lewis Young Robertson and Burningham to make the presentation regarding the Impact Fee Analysis on the Road, Park, and Water Fees.

Mr. Philpot reviewed with the Council a slide presentation which is included with the minutes as Attachment "F".

He presented an overview on what an impact fee is explaining that an impact fee facilities plan is not required for entities with a population under 5,000. However, a lot of the same information is still obtained and used in the analysis. He reviewed the impact fee process.

He explained the methodology for the Impact Fee Analysis has six requirements: 1) determine existing and future demand with the service area; 2) provide inventory of existing facilities; 3) establish existing and proposed level of service; 4) identify existing and future capital facilities necessary to serve new growth; 5) consider all revenue resources to finance system improvements; and 6) conduct proportionate share analysis.

There was a discussion on whether service areas were viable. It was determined that west of highway 165 may be considered a different service area for roads, as there was no roads owned by the City in that area.

The demand for parks and recreation, water, and transportation was estimated with varying growth scenarios. Existing facilities in the three impact analyses had been computed and were reviewed. Using the capital facilities projects which had been predetermined, the level of service (cost per capita) had been computed and the excess capacity was reviewed. The financing and proportionate share of costs were explained.

Mr. Philpot had used ERC and ERU in the presentation; they will be changed to ERU to be consistent with our City code.

Mr. Philpot explained how a 3% inflation for construction had been factored into the analysis. The fee schedule does not give a definite increase on a year by year basis to be charged.

Discussion regarding how the fees were computed in the water were discussed. The water storage requirements had been regrouped and had changed the sense of direction on how this computation was made.

There was discussion about the park impact analysis and how a large part had been paid out of RAPZ Grant fees. It was concluded that more review of the grant monies must be determined before this fee could be computed.

Mr. Philpot reviewed the procedure to follow through adoption of the fees. The input from the Council will be taken under consideration as revisions are made. This will be brought back to the Council on November 12 and a public hearing will be held in January. If approved at that time, a 90-day waiting period is to elapse before enacting the fees.

**Bills to be paid**

The bills were presented. They are as follows:

Stephanie Eggleston	4.03	General
Tara Hobbs	77.05	General
Rose Mary Jones	126.62	General
Michael Callahan	577.90	General
Adria Davis	9.66	P&Z
Rocky Mountain Power—		
North Park	62.42	Park
Shop	146.14	Building
Crossing Guard	17.15	Crossing Guard
Ball Park	8.56	Park
North Well	924.00	Water
Park Well	2,289.23	Water
Water Treatment	16.15	Water
Highline Reservoir	1,133.27	Water
Public Treasurers Investment Fund	7,667.00	Water
Cache County Service Area	10,908.30	Sanitation
Cache County Service Area	1,716.00	9-1-1
Utah League of Cities and Towns	888.60	General
Watkins Printing	66.00	General
Hansen's Concrete Cutting	80.00	Water
Caselle	125.00	Water
Salary Register	13,243.24	

Recorder Jones explained that Treasurer Tara Hobbs has been off on a disability because of an injury and should be released for partial work on Saturday. The deposits have not yet been prepared. For the meeting tonight, the amount of the checks is greater than the balance in the account. **Councilmember Duffin moved to pay the bills with the provision that the check for Cache County Service Area will be held until the deposit is made.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused.

**City Reports**

**Roads/Sidewalks:**

Superintendent Gary Larsen reported on replacement of asphalt on 100 North at approximately 200 West for Ron Lundberg in the amount of \$3,700; the cost to the City will be approximately \$2,700, as we have a credit of \$1,000 from LeGrand Johnson Construction Co.

The DWA Construction Company is to begin asphaltting the road on 300 West from 550 North southward next Wednesday. There was also discussion about approaches, curbing, manholes, etc. that need to be completed on 100 North.

Superintendent Larsen reminded the Council of an agreement with Majestic Heights Subdivision regarding infrastructure which was installed at the time of that subdivision. There were funds that are to be paid back at the time of development with the adjoining property. This will be researched for further consideration.

**City Parks:**

Superintendent Larsen had nothing to report on the parks at this time.

**Culinary Water System:**

Superintendent Larsen explained the 8-inch water line at approximately 150 West to 200 West on Center Street has been replaced and installed. This was a budgeted project.

Superintendent Larsen discussed the need to upgrade the park well pump. There was some concern about the Glen Ridge Well. The ASR Project is showing positive signs in helping with the nitrate levels; however, this is a grey area regarding the nitrate levels and there is not sufficient documentation on the long-term quality of that water.

Superintendent Larsen felt this is the time to make the well upgrade because of the large subdivision that has been started, as well as the school coming on line. Also the Garr Spring water usage is in the process of being changed from irrigation to municipal water and this will help our system.

A permit was required and permission grant by the Division of Drinking Water for the well upgrade; this permit will expire on March 30, 2016. A new permit would need to be applied for after that date. The City had agreed to provide a three-year monitoring on the drawn down and impact of the well. Following that three-year time period, the final approval for the well will come.

There is budgeted funds to use on this project and he is proposing to do this during the winter months. A new source protection delineation plan would need to be made within six months of the project being completed.

The water rights to 900 gpm will be assigned to the park well. The City still has additional rights from Cache Valley Ranches of 40-acre feet of water, an application for 47 acre feet of water has been submitted to the State Water Engineer acquiring water from Mr. Eames for the Mond-Aire Subdivision, as well as the excess Garr Spring winter water which could be injected into the Glen Ridge Well and more fully utilized. These water rights are projected to bring the Glen Ridge Well back up to capacity.

Engineer Murray indicated the park well upgrade and the Garr Spring upgrade would be under \$100,000.

Engineer Murray discussed with the Council about the agreement with the school district on a right turn lane on 550 North. Engineer Murray's understanding was if the CCCOG money was approved, the school district would not have to put in that turn lane. The date for the County Council to vote on the CCCOG recommendations is October 13.

Other items discussed for the school district agreement was the landscaping maintenance on the roundabout. The City is to provide the water.

It was noted that the city will pay for additional manholes on 100 West 200 North. There are to be stubs from the manholes provided.

The retention pond (approximately ½ acre) southwest of the school is to be maintained; the Council was not sure if this is in Millville City limits nor who would do the maintenance.

The impact fees being paid by the school (through various projects) will be documented by J-U-B as they can verify these. There is to be no monies exchanged, as per the written agreement. There was discussion on the location of the west boundary near the river between Nibley.

Engineer Murray identified different items that must be addressed in the near future.

- The sewer agreements with Nibley City and Logan City need to be drawn up and signed. Millville City will own the sewer lines, the meter, and the telemetry for the sewer.
- There are utilities in the right of ways that will need to be relocated. This will be one of the first notifications made for the 450/550 North road project. A schedule will be drawn up to keep the project on time. As a provision in the franchise agreements, the utilities are to be relocated by the companies at their cost. Mayor Johnson reported

that the Questar Agreement is currently being updated. It would be estimated that the utility companies would have about three months to make the changes.

- The plan will be to start breaking ground in March with the contractor selected. This project needs to be done by the end of July.
- The 450/550 North Road project will be over two budget years.

### **Fire Risk Assessment**

Councilmember Cummings reviewed information provided from the ULC&T Conference regarding Utah Living with Fire – Fire Risk Assessment. This information is included with the minutes as Attachment “G”. This program is to encourage communities, which is near high risk fire areas, to take the necessary precautions to mitigate fire. There is a cost factor involved; however, the proposal is to have the community do in-kind services that would help with deterring fires.

Councilmember Zollinger explained about conflicting state laws regarding who pays for what. There is state land being annexed by cities and the City wants to control the building; therefore, the structures are costing a lot in fires on state lands. The proposed amount designated for Millville City is determined by a formula with \$474 as the high risk area and \$685 designated as moderate risk. There was discussion about reducing the risk of fire.

Mayor Johnson indicated that fire departments from all over the valley would come to assist a fire if needed. Discussion was held about whose responsibility to pay if a fire is on privately owned land.

The state does not want a check for this amount of money; they do want documented in-kind services performed that would deter fires. Councilmember Cummings will request a representative to come to make a presentation to the Council regarding minimizing Wild Land fires.

### **BRAG Disaster Mitigation Plan**

Mayor Johnson indicated the Council had a copy of the Disaster Mitigation Plan. The resolution is what is to be adopted. By adopting this, Millville would be included for funding if a disaster were to come upon us. Councilmember Zollinger indicated there are some maps that are beneficial and may want to be included in our master plan; they could be added as an attachment. Mayor Johnson voiced concern about where individuals want to build; he felt they should take the responsibility for their decisions. This will be added to the agenda for action at the next Council Meeting. The information is included as attachment “H”.

**Councilmember Reports**

(A copy of the Councilmember Reports was included with the minutes as Attachment "I".)

Councilmember Duffin reported on the flyer for the Youth Council Christmas Fundraiser to be held on December 5. This will be included with the newsletter in October and November.

**Other items for Future Agendas**

Councilmember Callahan would like to include with the discussion about media a presentation from Hyrum representatives about their system and the value of it.

Councilmember Duffin indicated the Impact Fee Analysis would be continued until November 12, with the proposal to set a public hearing in January.

Recorder Jones reported the audit has been going on this week. There are road impact fees that need to be spent in this fiscal year. An impact fee report will be forthcoming for the Council's approval.

Councilmember Duffin requested Councilmember Callahan follow up with North Logan City regarding the form-based code they had completed. She felt they would be able to evaluate those that had worked with this project, the service they were given, and how they felt about the completed product.

Development Coordinator Meadows questioned if he is to still try to get a representative from Nibley City to explain more about the media they use in their City. The consensus of the Council was to schedule this.

Mayor Johnson indicated Councilmember Cummings was having a difficult time in finding land values on property that had not been developed with no utilities. It was the consensus of the Council to hire an appraiser to look into giving the City what the fair market value would be for the property directly west of the cemetery.

**Adjournment**

**Councilmember Callahan moved to adjourn the meeting.** Councilmember Zollinger seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. The meeting adjourned at 9:52 p.m.

ATTACHMENT "C"

RESOLUTION 2015-14  
A RESOLUTION ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN:  
BEAR RIVER REGION

WHEREAS, Millville City Council recognizes the threat that natural hazards pose to people and property with Millville City; and

WHEREAS, Millville City has participated in the creation of a multi-hazard mitigation plan, hereby known as the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Millville City from the impacts of future hazards and disasters; and

WHEREAS, adoption by Millville City Council demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

NOW THEREFORE, BE IT RESOLVED BY Millville City, Utah, THAT: Millville City Council adopts the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

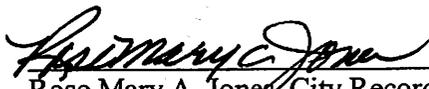
This resolution shall be effective on the date it is adopted.

Dated this 22 day of October, 2015.

  
Signed

Michael E. Johnson, Mayor  
Millville City Corporation

ATTEST

  
Rose Mary A. Jones, City Recorder

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

# Pre-Disaster Mitigation Plan Overview 2015

## INTRODUCTION & PLAN PURPOSE

The three northernmost Utah counties that make up the Bear River Region are vulnerable to natural, technological, and human caused hazards that have the possibility of causing serious threat to the health, welfare, and security of our citizens. The cost of response and recovery from potential disasters, both in terms of potential loss of life or property, can be lessened when attention is turned to mitigating their impacts before they occur or re-occur.

This plan attempts to identify the region's hazards, understand our vulnerabilities and craft solutions that can significantly reduce threat to life and property. The plan is based on the premise that hazard mitigation works! With increased attention to managing natural hazards, communities can do much to reduce threats to existing citizens and avoid creating new problems in the future. In addition, many solutions can be implemented at minimal cost.

This is not an emergency response or management plan. Certainly, the plan can be used to identify weaknesses and refocus emergency response planning, which is an important mitigation strategy. However, the focus of this plan is to support better decision making directed toward avoiding future risks, and the implementation of activities or projects that will eliminate or reduce the risk for those that may already have exposure to a natural hazard threat.

### How The Plan Is Organized

Section 1 introduces the plan, outlines the plan including scope, purpose, and goals, lists participating communities, and includes commentary on changes in the plan from earlier versions. Section 2 documents the planning process, public involvement, and summarizes information on natural hazards in the Bear River Region. Section 3 gives a general regional background including basic demographic, economic, and physiographic characteristics.

Section 4 is the Bear River Regional Risk Assessment. Because of the uniformity of the hazard risk throughout the region and the similarity of vulnerabilities, severe weather,

drought, agricultural hazards, radon, and problem soils were analyzed at the regional level. This section also includes commentary regarding implications of the potential effects of natural hazards on future development. Section 5, 6, and 7 includes natural hazard risk assessments for cities, towns, and the unincorporated county areas for Box Elder, Cache, and Rich Counties, respectively. Section 8 documents local community planning and technical capability to implement mitigation strategies, and Section 9 discusses plan implementation, funding, and public involvement.

### How The Plan Should Be Used

First, the plan should be used to help local elected and appointed officials plan, design, and implement programs and projects that will help reduce their community's vulnerability to natural hazards. Second, the plan should be used to facilitate inter-jurisdictional coordination and collaboration related to natural hazard mitigation planning and implementation. Third, the plan should be used to develop or provide guidance for local emergency planning. Finally, if adopted, the plan will bring communities in compliance with the Disaster Mitigation Act of 2000, qualifying jurisdictions to apply for funding for pre-disaster mitigation projects and for receiving federal aid in the event of a presidentially declared disaster.

### What Is Hazard Mitigation?

Hazard mitigation is defined as any cost-effective action(s) that has the effect of reducing, limiting, or preventing vulnerability of people, property, and the environment, to potentially damaging, harmful, or costly hazards. Hazard mitigation measures, which can be used to eliminate or minimize the risk to life and property, fall into three categories. First, are those that keep the hazard away from people, property, and structures. Second, are those that keep people, property, and structures away from the hazard. Third, are those that do not address the hazard at all but rather reduce the impact of the hazard on the victims, such as insurance. This mitigation plan has strategies that fall into all three categories.

Hazard mitigation measures must be practical, cost effective, and environmentally and politically

acceptable. Actions taken to limit the vulnerability of society to hazards must not in themselves be more costly than the value of anticipated damages. However, some projects may require financial commitments from local jurisdictions without any measurable monetary reward or benefit, although it may save lives and priceless community assets. Some initial financial investments for projects which lessen risk to local residents and property, may also pay economic dividends later on if legal issues arise.

However, the primary focus of hazard mitigation actions must be on capital investment decisions, and based on vulnerability. Capital investments, whether for homes, roads, public utilities, pipelines, power plants, or public works greatly determine the nature and degree of hazard vulnerability for a community. Once a capital facility is in place, very few opportunities will present themselves over the useful life of the facility to correct any errors in location or construction with respect to hazard vulnerability. It is for these reasons that zoning and other ordinances - which manage development in high vulnerability areas along with building codes and guidelines, are often the most useful mitigation approaches a city can implement.

In general, mitigation measures are the most neglected programs within emergency management. Since the priority to implement mitigation activities is generally low in comparison to perceived threat, implementation may be a timely and highly involved process. Mitigation success may be achieved however, if accurate information is portrayed through complete hazard identification and impact studies, followed by effective mitigation management. Hazard mitigation is the key to eliminating long-term risks to people and property from hazards and their effects. Preparedness for all hazards includes response and recovery plans, training, development, management of resources, and the need to mitigate each jurisdictional hazard.

This multi-jurisdictional plan evaluates the potential impacts, risks and vulnerabilities associated with natural hazards for jurisdictions in the Bear River Region. The plan supports, identifies, describes, and documents potential

mitigation projects for municipalities and the unincorporated areas in each county. The suggested actions and plan implementation contained in this document for local governments may reduce the impact severity of future disasters. Only through coordinated partnerships with emergency managers, political entities, public works officials, community planners, the general public, and other individuals working to implement this program will the goals of the plan be accomplished.

For most of the State of Utah, the planning services of the Utah Association of Governments (AOG's) have been utilized to develop the mitigation plans for all jurisdictions in the state. However, some individual jurisdictions have recently completed the plan on their own. For this plan update, Box Elder, Cache, and Rich County emergency managers requested assistance from BRAG to update the plan for the entire region.

The seven Utah Associations of Governments are comprised of the following regional entities:

1. Bear River Association of Governments
2. Wasatch Front Regional Council
3. Mountainland Association of Governments
4. Six County Association of Governments
5. Southeast Utah Association of Local Governments
6. Five County Association of Governments
7. Uintah Basin Association of Governments

#### Plan Purpose

This Pre-Disaster Mitigation Plan is meant to provide information regarding threats to life and property associated with natural hazards to local and State governments as well as interested agencies and the general public. The intent of this document can be summarized into several overarching goals which:

- Fulfill Federal, State, and local hazard mitigation planning requirements
- Promote pre- and post-disaster mitigation measures, short and long-range strategies

that minimize suffering, loss of life, and damage to property resulting from hazardous or potentially hazardous conditions to which citizens and institutions within the State are exposed.

- Eliminate or minimize conditions which would have an undesirable impact on our citizens, local infrastructure, economy, environment, and the well-being of local, county, and state governments.

### Plan Scope

The Bear River Association of Governments (providing regional planning assistance to Cache, Rich, and Box Elder Counties) will submit a current updated plan to the Utah Division of Emergency Services. Future monitoring, evaluating, updating and implementing will take place as new incidents occur and/or every five years. The hazard mitigation plans and strategies will also be included in local planning efforts and plans.

### Overall Goals

Coordinate with participating local governments to develop a regional planning process that will meet Local Mitigation Plan Review Tool provided by FEMA. Additional goals include planning to meet expectations set by the State and addressing the concerns of local jurisdictions.

### Local Goals

The goals below form the basis for the development of the PDM Plan and are shown from highest to lowest priority. They are:

1. Protection of life before, during, and after the occurrence of a disaster.
2. Protection of emergency response capabilities (critical infrastructure).
3. Improved communication and warning systems.
4. Integration of appropriate emergency medical services and use medical facilities during a natural disaster event.

5. Identification of critical facilities and community infrastructure.
6. Government collaboration across jurisdictional boundaries during natural hazard events.
7. Protection of developed property, homes and businesses, industry, educational opportunities, and the cultural fabric of a community, by combining hazard loss reduction strategies with a community's environmental, cultural/historical, social, and economic needs.
8. Protection of natural resources and the environment when considering mitigation measures.

### Regional Goals

1. Eliminate or reduce the long-term risk to human life and property by identifying natural hazards.
2. Aid both the private and public sectors in understanding the risks they may be exposed to from identified hazards, and work with local governments and partners to find mitigation strategies that reduce those risks.
3. Decrease liability for local governments by educating elected officials and staff on natural hazard mitigation and issues.
4. Minimize the impacts of natural hazard risks when they cannot be avoided.
5. Mitigate the impacts of damage as a result of identifying hazards.
6. Implement mitigation strategies in a way that minimizes negative environmental impacts.
7. Provide a basis for funding projects which are outlined as hazard mitigation strategies.
8. Maintain and improve a regional platform to enable communities to take advantage of shared goals, resources, and other available resources.

Prioritization of Mitigation Strategies

A guiding factor in prioritizing mitigation strategies was the principle that mitigation should provide the greatest amount of good to the greatest number of people, after considering funding, staffing, and other resource constraints.

Recurrence intervals, past events, and damage estimates compiled during the assessment of vulnerability in this plan were also considered for priority and time line values. While there was not a technical cost-benefit analysis for determining mitigation strategies during this planning process, the above criteria were considered for prioritization.

**ADOPTION & UPDATING THE PLAN**

Participating Jurisdictions

**Table 1: Participating Jurisdictions in the Bear River Region**

<b>RICH COUNTY</b>	<b>CACHE COUNTY</b>
Garden City	Amalga
Laketown	Clarkston
Randolph	Cornish Town
Woodruff	Hyde Park City
<b>BOX ELDER COUNTY</b>	Hyrum City
Bear River City	Lewiston City
Brigham City	Logan City
Corinne City	Mendon City
Deweyville	Millville City
Elwood	Newton
Fielding	Nibley
Garland City	North Logan City
Honeyville City	Paradise
Howell	Providence City
Mantua	Richmond City
Perry City	River Heights City
Plymouth	Smithfield City
Portage	Trenton
Snowville	Wellsville City
Tremonton City	
Willard City	

Local Adoption of The Plan

On June 1, 2015, the Draft Pre-Disaster Mitigation Plan was put on the BRAG website,

located at [http://www.brag.utah.gov](#). A hard copy of the plan was also available at the BRAG office for viewing. After a 30-day public comment period, comments from communities, the public, county working groups, as well as the Utah Division of Emergency Services were integrated into the plan. The draft plan was then sent to FEMA Region VIII for review. After revisions to the draft plan were completed, letters were sent to each jurisdiction explaining the benefits of adopting a FEMA-approved plan and encouraging all 42 jurisdictions in the Bear River Region to adopt the plan. Blank promulgation forms were sent to chief elected officials, and communities were asked to adopt the plan, and send the completed promulgation forms to BRAG for inclusion as an appendix in the plan. The final plan was also made available in its entirety by section on the BRAG website found at [http://www.brag.utah.gov](#). Individual links for each community section were made available.

Plan Updates & Changes

During the 2014-2015 planning process, it was determined that some aspects of the plan should be updated as needed and some should remain as they were in the 2009 version, with minor edits as needed. Background information, such as hazard definitions, the purpose for the plan, scope, goals, local adoption, and other sections remained relatively the same in both plans. However, some changes in this version were necessary, such as general document layout, the planning process, economic and demographic information updates, risk assessment methods and data, mitigation strategy updates, and the community capability assessments. Following are some of the changes that were made to these sections.

Document layout and organization has been altered to create a user friendly and accessible document. Some charts, tables, data, and other information was moved to the appendix to create a more user friendly layout. County risk assessments were renamed to provide a community emphasis, such as “Box Elder County – Community Risk Assessments” to give a sense of ownership for communities and to make the plan easier to navigate. Also, the term “Annex” was removed to avoid confusion and sections were renamed “Box Elder County Hazard Mapping,” for example, to

simplify sections.

The planning process was altered slightly as well. The first group that met about the plan was comprised of emergency managers, planners, and others involved in emergency planning in the region. BRAG staff sought input for, and built county working groups based on, meeting input and references from those initial contacts. The working groups were also added to as needed depending on what existing working group members thought was necessary. BRAG staff invited all jurisdictions in the region to send representatives as part of the working group, and invited State and Federal Agencies with land management responsibilities in the Bear River Region. Any other suggestions for members were integrated into the working group as needed. The use of surveys was employed similarly to the 2009 plan, and letters and e-mails were sent regularly throughout the process to each community inviting representatives to meetings, and giving many opportunities for community involvement. BRAG staff also made many phone calls to communities to solicit information critical to the plan.

Understandably, economic and demographic data was updated in the plan, as was historical data and natural hazard event data. New sources were sought where data was limited in the 2009 version, such as historical landslide data, historical wildfire data, and earthquake epicentre data.

New risk assessment methods and up-to-date GIS data was also used in this plan in an attempt to reflect current conditions (See Appendix C). New landslide susceptibility, geological faults, wildfire, dam failure, and floodplain data was utilized. Steep slopes were added to address some problem soil areas. The overlay analysis methodology from 2009 proved to be useful for this analysis, although parcel data and any available new hazards data was used. Model Builder in ArcGIS was used to make the analyses uniform for the entire region where possible. Rich County still had incomplete parcel data, and it is anticipated it will be incomplete for some time. However, updated recorder data was linked to the GIS layers to create a more accurate data set where it existed.

A new wildfire hazard data set was also used for this plan update. Data from the West Wide Wildfire Risk Assessment, completed in 2013 by the Oregon Department of Forestry, was utilized to provide a more accurate risk assessment region-wide.

Mitigation strategies were also updated through interaction with participating communities. Some strategies from 2009 were completed, those that were still applicable were carried over into this plan, and new strategies were created by local governments to better address mitigation issues.

Some communities in the region have either grown and added new employees or now have greater data and GIS capabilities. These capabilities were documented at the end of this document as well, with the realization that some communities will continue to have needs for hazard mitigation planning assistance from BRAG and other State and Federal agencies in the future. BRAG staff will continue to be a resource for those communities.

#### MITIGATION STRATEGIES IMPLEMENTED FROM 2009-2015

- **North Logan** - Earthquake training (Utah Shakeout). Working with canal companies. Wildfire planning. Geotechnical Requirements. Using flood areas as recreational opportunities.
- **Logan** - Improvements were made to 600 W bridge to prevent overtopping road during floods. Additional water storage still ongoing for the next 5 years.
- **Richmond** - Incorporated the bulk of the strategies used in the 2009 program, but did make some minor changes. Worked with irrigation company to minimize flooding.
- **Trenton** - Earthquake, landslide, and wildfire planning.
- **River Heights** - Sponsored a seminar on the dangers of radon gas, and several residents have installed fan driven ventilation systems.
- **Millville** - Regulating building in wildfire prone areas. Earthquake hazards planning

and ordinance work.

- **Smithfield** - Identified the floodplain running through the city, and have taken steps through the cities ordinance and general plan to minimize the effects of flooding. Smithfield works through LDS stakes with emergency preparedness.
- **Tremonton** - Wildfire protection: Cooperative Wildfire Protection Plan (CWPP) was established Feb 28, 2013 involving residents of Tremonton, Garland, and Box Elder County (unincorporated). Resulting from this agreement and in cooperation with FFSL, US Dept. of Agriculture, Box Elder County, Tremonton, and Garland Fire Departments, a fire break was created above affected homes to protect both residential areas and grazing land.
- **Garland** - Holding table top trainings once a month. These table tops have been covering waterlines, communication, health of others.
- **Brigham City** - Work with the Utah Division of Water Rights and other groups to utilize Emergency Action Plans on a local level. Develop or update an environmental safety zone - with identified hazard areas, disclosure/education, hazard maps. Wildfire Defense Program. Perform seismic upgrades to existing Brigham City Library to meet current building codes. Protect 36" Penstock water line coming from Mantua to Brigham City by burying it. Trim trees to keep limbs clear of electrical power system. Reconcile current development with soon to be adopted FEMA floodplain maps for Box Elder County for NFIP communities. For non-NFIP communities, talk with Utah ESHS about the benefits of NFIP.

In this version of the plan, individual community sections were created to make the document more accessible to local community leaders, staff, and emergency managers/planners on the local, state, and federal levels.

A more robust risk analysis was also completed for this plan update. Better GIS data was used where available, including a wildfire risk data set created by Oregon State University in 2013. Updated parcel and US Census data was also utilized, as well as updated geologic hazards data from the Utah Geological Survey. Potential loss analyses were also more comprehensive, and included new data sets such as:

- Natural gas line data (Questar Gas)
- Agricultural amenities
- Recreational amenities
- Natural amenities
- More comprehensive list of Critical Facilities

BRAG staff also tried to make the meetings for the update process more interesting and appealing to elected officials and others. Six natural hazards specialists from state and federal agencies were invited to give presentations at the three county mitigation strategy meetings held. They presented realistic and feasible ideas for mitigating the effects of wildfire, flood, landslides, geologic hazards, and severe weather. Elected officials and staff were invited to ask questions and learn from these specialists.

#### OTHER CHANGES FROM 2009-2015

One of the most substantial changes to this updated plan is the document layout and organization. Most of the large charts and extraneous background information was consolidated and put in the appendix.

Link to BRAG Pre-Disaster Mitigation Plan

<http://brag.utah.gov/pre-disaster-mitigation-plan-draft-2015/>

MILLVILLE CITY BUSINESS LICENSES  
2015

ISSUED TO	BUSINESS NAME	ADDRESS	MAILING
Lindsay Monson	Professionalnails	250 South 300 East	PO Box 301
Jacky J Hancey	Hancey's Precast and Backhoe	5 South 550 East	PO Box 305
Julie Parker	Julie's Beauty Shop	60 West Center	PO Box 214
Scott Swenson	Swenson Construction	406 North Main	PO Box 40
David Hair	D&B Equipment	325 North 100 West	PO Box 383
Mandy P. Schiess	Eric & Mandy Schiess LLC dba On The Avenue	181 West Center	PO Box 23
Guy Curtis	Crossroads Traffic Management	385 North 200 East	PO Box 447
Lynnette Haltiner	Ivy Corner	320 North 200 East	PO Box 257
D'Arcy Echols	D'Arcy Echols & Co.	98 West 300 South	PO Box 421
Rose Mary Jones	Rose Mary's Preschool	145 East 300 North	PO Box 167
Tara Hobbs/Holli Johnson	Tara's Beauty Shop	414 South 550 East	PO Box 216
Earl Cox	Cox Electric	293 East Center	PO Box 170
Ken Lee	Ken Lee Construction	226 North 200 East	PO Box 61
Mike Hansen	Xtreme Machine - Peace Frog	98 West 300 South	PO Box 451
Jeremy Jones, Robert Jones	RYA Plastering	145 East 300 North	PO Box 167
Ron Lundberg	Archery Customs	190 West 100 North	PO Box 334
Cathy Anderson	Don's Auto Body	340 North Main	PO Box 98
Richard and Janice Zollinger	Zollinger Commercial Warehousing LLC	1000 W 1000 N	PO Box 196
Mark Perkes	Reapp LLC	77 East 200 South	PO Box 594
Sam Weston	Classic & Antique Auto Restoration and Storage	270 South Main	1185 Windsor Dr Logan 84321
Janice Gregory	Janice Gregory's Preschool LLC	50 West 100 South	PO Box 236
Brett Hadfield	Silicone Plastics	97 West 300 South	PO Box 438
Ginger Meadows	Ginger Meadows Services	410 North 300 East	PO Box 566
Debbie Johnson	Child Care	195 East 100 North	PO Box 227
Jill Woolley	Creative Corner Preschool	420 North 200 East	PO Box 424
Larry Lewis	Larry S. Lewis Construction Inc.	40 North 100 East	PO Box 218

ATTACHMENT "D"

<b>ISSUED TO</b>	<b>BUSINESS NAME</b>	<b>ADDRESS</b>	<b>MAILING</b>
Ryan Pierson	Artistic Rail	11 East 650 North	PO Box 448
Trudy Sorenson	Minds Eye LLC	69 West 200 South	PO Box 146
Brian Jensen	ABJ Specialty	650 North Main	PO Box 314
Celerino Samuel Bautista	CSB	192 North 100 East	PO Box 555
Colby Nielson	High Country Home Builders	253 North 250 East	PO Box 311
Crae Williams	The Blind Guy of Logan	515 North 140 East	PO Box 630
Quinn Johnson	Lawn Specialists	160 North 300 East	PO Box 668
Jenny Williams	Busy Bugs Preschool	515 North 140 East	PO Box 630
Brett Hadfield	Hadfield Insurance Services	211 East 500North	PO Box 104
Ryan J. Davis	Royal Inspection	135 West 100 South	PO Box 81
James E. Fields	Mountain Greenery	71 West Center	PO Box 414
Paul Mansfield	Sweet Water Window Cleaning LLC	189 North 100 West	PO Box 689
Lyle Davis	Bonneville Firearms Training Academy LLC	175 North 250 East	PO Box 506
Stacie Amberson	Sapient Health LLC	490 North 200 East	PO Box 379
Michael Johnson	Summit Electric Inc.	625 North Main	PO Box 626
Rael Thomson	Mountain Shih Tzu	480 South 550 East	PO Box 434
Susan M. Barker	Professional Digital Services, Inc.	208 North Main	PO Box 569
Laura Jardine	Lemon Tree Interior Design	280 East 300 North	PO Box 695
Richard Zollinger	Commercial Orchard	96 East 700 North	PO Box 196
Debra Wilson	Cozy Heart Collectibles	39 North Main	PO Box 408
Karlette Johnson	Bridgerland Bookkeeping LLC.	90 West 400 North	PO Box 204
Dennis Jensen	YESCO Electronics LLC	1000 N 1000 W Bldg 11	1651 North 1000 West, Logan UT 84321
Daniel Grange	DD Heavy Towing & Recovery	466 North 100 East	PO Box 655
Jason Dattage	Dattage Landscaping Inc.	56 West 300 North	PO Box 436

<b>ISSUED TO</b>	<b>BUSINESS NAME</b>	<b>ADDRESS</b>	<b>MAILING</b>
Jason Low	Saddlerock Remodel and Repair	159 East 500 North	PO Box 195
Kira Norr	Seuss on the Loose Preschool	126 East 350 South	PO Box 15
Seth Bowen	Three Men and A Shovel Landscaping LLC	45 West 300 South	PO Box 3233 Logan UT 84321
Robert C. Martin	A Better Deal Services	190 East 600 North	PO Box 752
Sarah Howard	A Bit Smitten Photography	245 East 300 North	PO Box 716
Randy Wall	Wall to Wall Painting Inc.	10 West 300 South	310 W 285 North Wellsville 84339
James Christopherson	Overhead Door of Cache Valley	1000 North 1000 West Ste 101	695 W 1700 S Ste 101 Logan 84321
Nikeeta Larsen	Keetz	295 North 100 East	PO Box 374
Lynnette Haltiner	Daisylane Sweet Shoppe	320 North 200 East	PO Box 257
Gabe Gonzalez	Gabsynthetics	150 East Center	PO Box 420
Ryan Zollinger	ZBROZ Racing LLC	1000 W 1000 N BLDG 8	695 W 1700 South Logan 84321
Pam Waldron	Salon Solace	15 E 300 South	PO Box 578
John Slater	Lyndale Marketing Inc.	1000 W 1000 N BLDG 29 Suite 101	PO Box 3337 Logan 84323
John Slater	Rocky Mountain Technology Services, Inc.	1000 W 1000 N BLDG 29 Suite 101	PO Box 3337 Logan 84323
Todd R. Brown	Lowry and Associates, Inc.	10 West 300 South	PO Box 1139 Draper UT 84020
John or Kris Blankman	Paradise Fire Protection	1000 W 1000 N Suite 100	700 W 1700 S Suite 100 Logan UT 84321
Mark Bodily	Curb Appeal Garage Doors	160 West 200 North	PO Box 225
Hank Nielsen	Niels Fugal Sons Company LLC	1000 N 1000 W, Building 28,	Suite 100 1615 South 1100 West Ogden UT 84404
Wayne Ruud	River Bottom Construction dba Invision Windows/Doors	96 North 100 West	PO Box 466 Millville
Randy B. Wall	In-Depth Home Inspectors, Inc.	616 North 200 East	PO Box 293 Millville
Shawn Baxter	BAXBO, LLC	1000 North 1000 West, Building 29, Ste. 109	700 West 1700 South Ste 109 Logan UT 84321
Nathan E. Peterson	The Whitney Connection LLC	1000 North 1000 West Ste 108	700 West 1700 South Ste 108 Logan UT 84321
Nathan E. Peterson	Quik Check Financial Inc.	1000 North 1000 West Ste 108	700 West 1700 South Ste 108 Logan UT 84321
Paul Whitteker	Crossfit Iota South	1000 N 1000 W Bldg. 29, Ste 105	PO Box 573 Hyde Park UT 84318
Diane Moore	The Training Station	150 West 200 North	PO Box 385 Millville
Glenn Floyd	Chromoly Plus	296 North 100 West	PO Box 191 Millville

<b>ISSUED TO</b>	<b>BUSINESS NAME</b>	<b>ADDRESS</b>	<b>MAILING</b>
Melecio J. Hilera	Jacob's	278 North 100 East	PO Box 735 Millville 84326
Kevin Nettleton	The Horn Shoppe	409 North Main	PO Box 662 Millville 84326
Ashlie Jessop	Ashlie Jessop	164 East 350 South	PO Box 693 Millville 84326
Jack R. Gage	Jack R. Gage Refrigeration (JRG)	1000 N 1000 W Bldg 29, Ste 104	695 W 1700 S #104 Bldg. 29 Logan 84321
Kyle Pence	Smooth Shop	1000 N 1000 W Bldg 8	695 W 1700 S Bldg. 8 Logan 84321
Jose R. Castillo	Rey's Repair	285 North 100 East	PO Box 265 Millville 84326
Tom or Kathy Fecteau	Kathy Kaye Foods, LLC	1000 N 1000 W Bldg #30	695 W 1700 S Bldg #30 Logan UT 84321
Amy Eskelsen	For The Dog LLC	35 East 300 South	PO Box 720 Millville 84326
Lazaro Guerra	G & E Wholesales Produce	1000 N 1000 W Bldg 28, Ste 108	695 W 1700 S #108 Bldg. 28 Logan 84321
Todd Aslett	Auto Paint Designs	26 West 300 North	PO Box 259 Millville UT 84326
Ken Hamilton or Daphne Carlson	Bio Minerals Technologies, Inc.	1000 N 1000 W Bldg 28, Ste 103	695 W 1700 S Bldg. 28 #103 Logan 84321
Crystal Jensen	Little Explorers Academy	370 North 300 East	PO Box 721 Millville UT 84326
Donald Lewis	Don's Quality Tile, Inc.	124 East 100 North	PO Box 382 Millville 84326

# **MILLVILLE CITY WATER SHARES FOR LEASE BEGINNING NEXT YEAR**

**Millville City has eight (8) shares of water in the Millville Irrigation Company and four (4) shares of water available in the Providence Blacksmith Fork Irrigation Company available for lease for a two-year period. The City Council will be accepting bids to use these shares requiring a \$30 minimum for one share or a \$15 minimum for one-half share. In addition, any administrative costs required by the canal companies will also be required to be paid by the individual awarded the bid. The bids must be submitted and received no later than 5 p.m. on December 4, 2015. The bids will be reviewed and awarded at the City Council Meeting on December 10, 2015. Those interested in bidding are to prepare a written bid and it should include: name, address and contact information; the dollar amount bid *per share*; the number of shares requested; the total for the bid; and the address of the parcel where the water will be used (the land parcel must be able to be serviced by the irrigation company requested). Please remit to:**

**Millville City  
ATTN: Rose Mary Jones, Water Bid  
PO Box 308  
Millville UT 84326**

ATTACHMENT "E"

Water Shares owned/leased by Millville City

January, 2015

**Water Shares owned/leased by Millville City**

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**MILLVILLE IRRIGATION COMPANY**

<u># of shares</u>	<u>Lessee</u>	<u>Address</u>	<u>Lease Agreement Dates</u>
2	James J. Bodily	176 West 200 North	January 1, 2012 to December 31, 2015
1 ½	Alan or Jill Gebert	165 North Main	January 1, 2012 to December 31, 2015
1 ½	Gabe Gonzalez	150 East Center	January 1, 2012 to December 31, 2015
1	Michael Dickman	55 East 200 North	January 1, 2012 to December 31, 2015
2	Robert Carpenter	75 East 100 North	January 1, 2014 to December 31, 2017
1	Michael C. Callahan	180 East Center	January 1, 2014 to December 31, 2017
¾	Mike and Dawnette Hunter	59 North Main	January 1, 2014 to December 31, 2017
1	Kurt Chaffin	10 East 300 North	January 1, 2015 to October 31, 2017
1	Delfino Torres	105 North Main	January 1, 2015 to October 31, 2017

***2 remaining***

<u># of shares</u>	<u>Lessee</u>	<u>Address</u>	<u>Lease Agreement Dates</u>
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**PROVIDENCE IRRIGATION COMPANY**

2	Paul Goff	510 North Main	January 1, 2015 to December 31, 2017
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*4 remaining*

**SPRING CREEK IRRIGATION COMPANY**

3	Kelly Rowser	175 South Main	January 1, 2015 to October 31, 2017
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**GARR SPRING IRRIGATION COMPANY**

27 5/12	Used by City		
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**SMITHFIELD IRRIGATION COMPANY**

1	*Not currently being used		
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**MILLVILLE CITY PROPOSED BUDGET 2015-2016**

June, 2015\*\*

Description	General Income	Revision	Rev Oct/2015	Description	General Expense	Revision	Rev Oct/2015
Property Tax	\$59,465.00		\$59,465.00	General Government	\$45,000.00		\$45,000.00
Sales Tax	\$172,000.00		\$172,000.00	Auditor	\$10,600.00		\$10,600.00
Comcast Franchise	\$8,500.00		\$8,500.00	Financial Consulting	\$8,070.00		\$8,070.00
In Lieu Fees	\$6,500.00		\$6,500.00	Elected Officials	\$18,700.00		\$18,700.00
Building Permits	\$4,000.00		\$4,000.00	Insurance/Bonds	\$15,050.00		\$15,050.00
Animal Licenses	\$5,000.00		\$5,000.00	Recorder	\$13,500.00		\$13,500.00
Sanitation	\$130,000.00		\$130,000.00	Treasurer	\$6,800.00		\$6,800.00
Fines / Court	\$4,200.00		\$4,200.00	School Crossing Guard	\$3,600.00		\$3,600.00
Interest	\$3,800.00		\$3,800.00	Development Coordinator	\$3,700.00		\$3,700.00
Business Licenses	\$2,200.00		\$2,200.00	Legal	\$10,000.00		\$10,000.00
9-1-1 Service	\$21,000.00		\$21,000.00	Building	\$8,400.00		\$8,400.00
Class "C" Roads	\$85,838.00		\$85,838.00	P&Z Budget	\$4,800.00		\$4,800.00
Energy Sales and Use Tax	\$113,000.00		\$113,000.00	City Engineering	\$45,000.00		\$45,000.00
Appropriated Fund Balance	\$45,332.00	\$8,400.00	\$53,732.00	Police	\$16,111.00		\$16,111.00
Park Impact Fee	\$10,000.00		\$10,000.00	Fire	\$14,000.00		\$14,000.00
Appropriated Road Impact Fee		\$40,000.00	\$40,000.00	Animal Control	\$6,000.00		\$6,000.00
Road Impact Fee	\$22,800.00		\$22,800.00	Elections	\$5,000.00	-\$4,500.00	\$500.00
Restaurant/RAPZ Tax	\$23,000.00		\$23,000.00	First Responders	\$7,266.00		\$7,266.00
Appro. Fund Bal. Class "C" Rd	\$2,862.00		\$2,862.00	Roads-General	\$88,000.00	\$900.00	\$88,900.00
Appro. Fund Bal. Park Capital	\$9,500.00		\$9,500.00	Roads-Class "C"	\$88,700.00		\$88,700.00
Designated for Future Use				Roads - Capital Outlay	\$0.00		\$0.00
Youth Council	\$2,600.00		\$2,600.00	Road Impact Fees Capital Outlay	\$22,800.00	\$17,200.00	\$40,000.00
Mass Transit Sales Tax/CVTD	\$13,500.00		\$13,500.00	Road Impact Fee Desgnted Future	\$0.00	\$22,800.00	\$22,800.00
Park Rentals	\$2,800.00		\$2,800.00	Class "C" Desgntd for Future Use	\$0.00		\$0.00
Motor Tax	\$500.00		\$500.00	Parks-General	\$82,200.00		\$82,200.00
Property Review Fee/Conceptual Plan	\$1,000.00		\$1,000.00	Parks-Other	\$8,200.00		\$8,200.00
Millville Memories Books	\$150.00		\$150.00	Park Capital Improvement RAPZ	\$20,000.00		\$20,000.00
CIB Grant	\$10,000.00		\$10,000.00	Sanitation	\$130,500.00		\$130,500.00
CCCOG Grant	\$0.00	\$1,200,000.00	\$1,200,000.00	9-1-1 Service	\$21,000.00		\$21,000.00
				Disaster Relief Fund	\$2,600.00		\$2,600.00
				Public Safety	\$4,850.00		\$4,850.00
				Youth Council	\$5,600.00		\$5,600.00
				Designated for Future Use	\$0.00		\$0.00
				Mass Transit Tax Distribution/CVTD	\$13,500.00		\$13,500.00
				Park Impact Desgnted Future Use	\$10,000.00		\$10,000.00
				CIB Grant	\$20,000.00		\$20,000.00
				Transfer to Capital Project Fund			
				Transfer to Stormwater Fund		\$12,000.00	\$12,000.00
				CCCOG Road Project		\$1,200,000.00	\$1,200,000.00
<b>TOTAL GENERAL</b>	<b>\$759,547.00</b>	<b>\$1,248,400.00</b>	<b>\$ 2,007,947.00</b>	<b>TOTAL GENERAL</b>	<b>\$759,547.00</b>	<b>\$1,248,400.00</b>	<b>\$2,007,947.00</b>
Description	SW Income	Revision	Rev Oct/2015	Description	SW Exp	Revision	Rev Oct/2015
Stormwater Fees	\$13,600.00		\$13,600.00	Salaries/Benefits	\$6,500.00		\$6,500.00
Interest	\$20.00		\$20.00	Special Department Supplies	\$11,100.00		\$11,100.00
Appropriated Fund Balance	\$3,980.00	\$5,000.00	\$8,980.00	SW Drain Line 100 North		\$17,000.00	\$17,000.00
Transfer from General Fund		\$12,000.00	\$12,000.00				
<b>TOTAL STORMWATER</b>	<b>\$17,600.00</b>	<b>\$17,000.00</b>	<b>\$34,600.00</b>	<b>TOTAL STORMWATER</b>	<b>\$17,600.00</b>	<b>\$17,000.00</b>	<b>\$34,600.00</b>

ATTACHMENT "C"

Description	CapProj Income	Revision	Rev Oct/2015	Description	CapProj Exp	Revision	Rev Oct/2015
Interest	\$2,500.00		\$2,500.00	City Pickup Truck	\$35,000.00		\$35,000.00
Appropriated Fund Balance	\$32,500.00		\$32,500.00				
Transfer from General Fund							
<b>TOTAL CAPITAL PROJECT</b>	<b>\$35,000.00</b>		<b>\$35,000.00</b>	<b>TOTAL CAPITAL PROJECT</b>	<b>\$35,000.00</b>		<b>\$35,000.00</b>
Description	Water/Sewer Income	Revision	Rev Oct/2015	Description	Water/Sewer Exp	Revision	Rev Oct/2015
Charges for Water Service	\$305,000.00		\$305,000.00	General	\$34,200.00		\$34,200.00
				Salary/Benefit	\$86,000.00		\$86,000.00
Interest	\$500.00		\$500.00	Legal	\$2,000.00		\$2,000.00
				Auditor	\$5,300.00		\$5,300.00
Impact Fee	\$18,500.00		\$18,500.00	Financial Consulting	\$4,100.00		\$4,100.00
				Bond (1997)	\$57,000.00		\$57,000.00
Tapping Fee	\$400.00		\$400.00	Bond (2006)	\$91,700.00		\$91,700.00
				Cap. Facility Rplcmnt Fund Reserve	\$30,000.00		\$30,000.00
Filing Fee	\$1,200.00		\$1,200.00	Bond -06 Reserve Fund	\$10,000.00		\$10,000.00
				Special Department Supplies	\$25,000.00		\$25,000.00
InterCity Sewer Upsizing Line	\$13,500.00		\$13,500.00	Insurance	\$9,675.00		\$9,675.00
				Capital Outlay - Highline Reservoir	\$0.00		\$0.00
Grant Revenue for ASR Project	\$16,000.00		\$16,000.00	Engineering	\$10,000.00		\$10,000.00
				Water Capital Projects	\$198,000.00	\$3,000.00	\$201,000.00
Appropriated Fund Balance	\$248,975.00	\$5,400.00	\$254,375.00	InterCity Sewer Upsizing Payment	\$13,600.00		\$13,600.00
				InterCity Nibley Sewer Payment	\$0.00		\$0.00
				City Sewer	\$5,500.00	\$2,400.00	\$7,900.00
				ASR Project	\$22,000.00		\$22,000.00
<b>TOTAL WATER AND SEWER</b>	<b>\$604,075.00</b>	<b>\$5,400.00</b>	<b>\$609,475.00</b>	<b>TOTAL WATER AND SEWER</b>	<b>\$604,075.00</b>	<b>\$5,400.00</b>	<b>\$609,475.00</b>
<b>BUDGET TOTAL</b>	<b>\$1,416,222.00</b>	<b>\$1,270,800.00</b>	<b>\$2,687,022.00</b>	<b>BUDGET TOTAL</b>	<b>\$1,416,222.00</b>	<b>\$1,270,800.00</b>	<b>\$2,687,022.00</b>
<b>DIFFERENCE</b>	<b>\$0.00</b>						

# ATTACHMENT "G"

April 17, 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 400 North in Millville; and

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

WHEREAS, the Project Improvements are primarily shown in detail on the Construction Set of plans for Cache County High School #3 dated March 21, 2014 and amendments to the construction plans labeled ~~xxx~~ and dated ~~xxx~~. Portions of which are referenced by sheet number and are attached and incorporated as Exhibit A.

WHEREAS, the City has adopted a Roadway Corridor Study (RCS) Dated October, 2005. Portions of which are attached and incorporated as Exhibit B.

WHEREAS, the City has adopted construction standards as outlined in the Manual of Design and Construction Standards (MDCS) in February 2007. Portions of which are attached and incorporated as Exhibit C. The Utah American Public Works Association (APWA) Standards and Specifications, most recent edition, are adopted by reference as part of the MDCS and Exhibit C.

WHEREAS, the District has bid components of the Project and received pricing for such components, they are summarized for reference in this Agreement as Exhibit D.

WHEREAS, the District has completed a Traffic Impact Study titled, "Millville High School 2600 South / SR 165 Traffic Impact Study" (TIS) which is attached and incorporated as Exhibit E.

WHEREAS, the Parties desire to delineate each Party's responsibility with respect to the Project 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 Project 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 Project 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. Responsibilities to be Borne by the District.
  - a. The District shall improve the intersection at 550 North 300 West by adding a left turn lane going west and right turn lane going east on 550 North enabling cars to turn South onto 300 West per the TIS (Exhibit E) Section XI, Exhibit A Sheet C-5.9 and in accordance with MDSC (Exhibit C).
  - b. The District shall construct a right turn lane at 550 North and Main as described in the TIS (Exhibit E) Section XI in accordance with the MDSC (Exhibit C) unless improvements are constructed at 450 North and Main to mitigate the congestion at 550 North and Main prior to the opening of the school in 2016.
  - c. The District shall dedicate an additional 14 feet of Right-of-Way to widen 300 West south of 550 North from a sixty-six foot (66 ft.) wide cross section to an eighty foot (80 ft.) wide cross section as planned in the Millville Roadway Corridor Study dated October 2005 (Exhibit B).
  - d. *Removed d.  
550 N +  
Main* The District shall construct roadway improvements as shown in Exhibit A Sheets C-5.0 through C-5.9 and ~~Add Revision Drawing Reference~~ and in accordance with the MDSC (Exhibit C), Such improvements shown in Exhibit A may include only a portion of the cross section as defined in the MDSC (Exhibit C) as agreed upon by the City and District.
  - e. The District shall construct a new bridge over the canal on 200 North between the School and 100 West.

- f. The District shall construct PVC waterline pipe and appurtenances as shown in Exhibit A Sheets C-4.9 to C-4.14 in accordance with the MDCS (Exhibit C).
- g. The District shall construct sewer line pipe and appurtenances as shown in Exhibit A Sheets C-4.2 to C-4.8 in accordance with the MDCS (Exhibit C).
- h. The District shall construct the 8" sewer line on 200 North to the intersection of 100 West including associated manholes according to the MDCS (Exhibit C). The manhole at 100 West and 200 North shall include a 5 foot manhole and an 8 inch stub to the east and 10 inch stubs to the north and south.
- i. The District shall construct a five foot diameter manhole in lieu of the four foot diameter manhole as indicated at the intersection of 100 North and 100 West in Exhibit A. This manhole shall have 10 inch stubs to the north, south and east.
- j. The District shall install storm drain piping and appurtenances in the Right of Way as shown in Exhibit A, Sheets C-4.15 to C-4.18 in accordance with the MDCS (Exhibit C).
- k. The District shall restore to existing conditions or construct landscaping improvements adjacent to any disturbance in the right-of-way in accordance with the UPDES Construction General Permit.
- l. The District shall transfer to the City 3.5 irrigation shares (10 acre-feet) in Millville Blacksmith Fork Irrigation Company with points of diversion at the City Wells.
- m. The District shall dedicate public rights-of-way for 300 West to the City limit line, 100 North and 200 North. The District shall also dedicate an easement for the waterline and storm drain facilities through the District property.
- Amendment* \* n. The District shall maintain all Project Improvements outside of public rights-of-way except for the 12 inch waterline and infrastructure connected to the Storm Water Detention Basin as shown on C-4.15 of Exhibit A. The District shall maintain the landscaping in and around the Storm Water Detention area.
- Amendment* \* o. The District shall maintain the landscaping area associated with the fingers and center of the roundabout near the main entrance to the school. Millville City will provide a culinary water service to the center of the roundabout for irrigation.
- p. The District shall provide the required quality control inspection and testing as outlined in the MDCS (Exhibit C). Test results and inspection reports from

an independent testing and inspection entity related to Project Improvements will be provided to the City prior to acceptance of Project Improvements.

- q. 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.
- r. The District shall have the contractor constructing the Project Improvements and utility lines to warrant their work for a period of one year following the final inspection and acceptance of the Project Improvements by the City.

3. Responsibilities to be Borne by the City.

- a. Upon execution of this agreement, the City shall issue the Conditional Use Permit with terms acceptable to the City and District.
- b. The City shall give fair and equitable consideration for increasing right-of-way widths and asphalt pavement widths to accommodate the RCS (Exhibit B), upsizing of water and sewer lines for future development as credit toward impact fee costs.
- c. The City shall provide sewer meter as shown on Sheet C-4.3 near SR-165 and 2600 South. Specifically items 4-9 as listed on Detail 1 on sheet C-6.1 of Exhibit A.
- d. The City shall maintain the public roads and Project Improvements inside the City rights-of-way after acceptance by the City. The City shall also maintain the 12 inch water main through the District Property and infrastructure connected to the Storm Water Detention Basin as shown on C-4.15 of Exhibit A.
- e. The City will provide quality assurance inspection and testing services as it deems necessary related to Project Improvements and storm water.

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. Responsibility of Cost.

- a. The following list of items are required to be constructed by the District to meet State and City ordinances and meet current City and industry design standards. The value associated with these items may be considered toward the impact fees required to be paid by the District to the City.

iii - REMOVED  
C COG FUNDING  
SMANAGEMENT

- i. Roadway improvements for 300 West for a 66 foot right-of-way according to the RCS (Exhibit B) and MDCS (Exhibit C). Curb, gutter and sidewalk associated with the roadway improvements for 300 West not adjacent to District Property are not required to be constructed.
  - ii. Improvements to 550 North 300 West intersection as shown on Sheet C-5.9 of Exhibit A.
  - iii. Roadway improvements to 100 North and 200 North as shown on Sheets C-5.7 and C-5.8 in Exhibit A.
  - iv. Culinary waterlines and appurtenances up to and including 8 inches in diameter.
  - v. Sewer lines and appurtenances up to and including 8 inches in diameter.
  - vi. Storm drainage infrastructure of all public rights-of-way.
- b. The following list of items are considered upgrades requested by the City, to be constructed by the District and are considered part of the fair and equitable compensation toward the impact fees to be paid by the District to the City. These upgrades are shown in Exhibit A.
- i. 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.
  - ii. Improvements and utilities (water and sewer) from the southeast School Property line on 100 North, east to 100 West.
  - iii. ½ of the improvements and utilities (water and sewer) on 200 North from the east School Property line to the canal and all the cost of improvements and utilities from the canal on 200 North to 100 West.
  - iv. 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.
  - v. Upgrading the waterline pipe size from eight inches (8") to twelve inches (12") within the school property.

- vi. 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 165.
- vii. Sewer meter, manhole, telemetry, and installation and connection of the meter at the intersection of 2600 South and Highway 165.
- viii. Water line not required for fire protection on the school property.
- ix. Water line from the northeast property of the district at 300 West to 550 North.
- x. Sewer line from the northeast property of the district at 300 West to 550 North.
- xi. Sewer lines east of the east school property line on 100 North and 200 North to 100 West.
- xii. A portion of emergency overflow improvements including gates and pipe for the canal at 100 West and 100 North.

6. Impact Fees.

- a. Transportation Impact fees in the amount of \$1,447,328 were calculated by the City according to Millville City Ordinance 2009-2 using 1,640 Students as indicated in the Traffic Study completed by A Trans dated December of 2013.
- b. Water Impact fees for distribution and source in the amount of \$74,061 were calculated in accordance with Ordinance 2006-3 based upon a student population of 1,640.
- c. The District has constructed upgrades as listed in Section 5.b of this agreement. The cost of these upgrades is detailed in Exhibit D of this agreement and is valued at \$692,308.
- d. With the improvements constructed by the District required by ordinances and standards outlined in Section 5.a, and giving fair and equitable consideration to the District for the upgrades constructed by the District as outlined in Section 5.b; the City and District agree that all impacts by the District to the City have been compensated for and no additional fee is required of the District to the City or from the City to the District.

7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. Modification. This Agreement may not be changed, altered or modified without the written consent of the Parties.
18. 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 April 2015.

CITY OF MILLVILLE

By \_\_\_\_\_  
 Its \_\_\_\_\_

Approved by Attorney for the City of Millville

\_\_\_\_\_  
 \_\_\_\_\_

DATED this \_\_\_\_\_ day of April, 2015.

CACHE COUNTY SCHOOL DISTRICT

By \_\_\_\_\_  
Its \_\_\_\_\_

Approved by Attorney for  
Cache County School District

\_\_\_\_\_  
Miles P. Jensen

# ATTACHMENT "H"

## Councilmember Reports October 22, 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** – November – Councilmember Zollinger; December – Mayor Johnson; January – Councilmember Callahan, February – Councilmember Cummings, March – Councilmember Duffin; April, Councilmember Williams. (To be turned in by the 6<sup>th</sup> of each month)