MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
June 9, 2016

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Zan Murray, Nicole Norris, Brock Norris, Brett Hadfield, Meagan Hadfield, Sam Hadfield, Jonah Hadfield, Viv Hadfield, Paul Saunders, Kathy Baker

Call to Order/Roll Call
Mayor Michael Johnson called the City Council Meeting to order for June 9, 2016 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 Williams excused and Councilmember Callahan absent. Also Recorder Rose Mary Jones and Treasurer Tara Hobbs were present.

Opening Remarks/Pledge of Allegiance
Councilmember Zollinger welcomed all to the Council Meeting and invited all present to join in saying the pledge of allegiance.

Approval of agenda and time allocations
The agenda for the City Council Meeting of June 9, 2016 was reviewed. C**ouncilmember Duffin moved to approve the agenda for June 9, 2016.** Councilmember Cummings seconded. Councilmembers Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused and Councilmember Callahan absent. (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 May 26, 2016. **Councilmember Cummings moved to approve the minutes for May 26, 2016.** Councilmember Duffin seconded. Councilmembers Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused and Councilmember Callahan absent. (A copy of the minutes is included as Attachment "B".)

Report on P & Z Meeting held June 2, 2016
Mayor Johnson reported on the Planning Commission Meeting held June 2, 2016. (A copy of the draft minutes are included as Attachment "C".) The CopperLeaf Subdivision had been reviewed by the Planning Commission at the meeting and they recommended approval to the City Council, pending a Geo Technical Study on the soils.

Proposal for Eagle Project for Millville City Signs

Brock Norris proposed an Eagle Scout Project to refinish the Millville City sign entering Millville from the North and also the Millville City Park sign. He showed the Council pictures of the current condition of the signs. He proposed to prep the signs and stain them with a stain that should last about ten years. He had previously reviewed the project with Superintendent Gary Larsen. The cost of this was estimated to be about $185. He is planning to ask for donations by going door to door to pay for the project. On July 5 he is proposing to clean the signs and prep them for staining and will stain them on July 9. He would like to have something go into the City Newsletter about the project acknowledging all those that helped as well as those that contributed to the project.

Councilmember Cummings moved to accept the Eagle Scout Project for Brock Norris. Councilmember Duffin seconded. Councilmembers Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused and Councilmember Callahan absent. (A copy of the project expense sheet is included with the minutes as Attachment "D".)

Mayor Johnson requested that Brock come back to the Council following the project with a final report.

Consideration of Final Approval for The Views at CopperLeaf Subdivision, a 24-lot Subdivision located at approximately 475 North to 620 North between 225 East and 350 East

Mayor Johnson indicated that the CopperLeaf Subdivision is ready for consideration of the Final Plat. (The materials presented are included with the minutes as Attachment "E".)

Councilmember Callahan arrived at the meeting at this time.

There were three items that the Engineer noted will need to be included, but they will be added to the Construction Drawings. They are for street lights, street signs, and traffic signs.

Mr. Hadfield presented the bond to the Mayor at the rate of 150% of the required improvements in the form of a Letter of Credit from Cache Valley Bank.

There was discussion about the three Stormwater ponds that was included in the drawings. There is one east of the homes where the Hadfield and Godfrey families currently live, one that is east of the Clair Mathews' home, and one north of the white brick home on the brim of the hill. These ponds are all located on property owned by

individuals. Mr. Saunders explained he currently shares a retention pond with his neighbor with no conflict; there just cannot be a permanent structure built in it. It was also discussed that the retention ponds are built above other homes. Mr. Hadfield explained they are all built for the 100-year storm as engineered and required by ordinance.

There was discussion on the Geo Technical Report; this is to be completed and will then be reviewed by the Engineer to make sure it is in compliance with all requirements.

There was discussion about having dry sewers put in this subdivision. As there is not a current sewer ordinance and there had not been contact made with the Attorney to date, it was the consensus it would not be required. However, it was suggested that if the property owners wanted to put in dry sewers, it would be up to them.

Councilmember Duffin moved to approve Resolution 2016-4 A Resolution to Establish the Views at CopperLeaf Subdivision with the condition to obtain approval of a Geo Technical Report. Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused.

Mr. Hadfield will proceed in having the Mylar plat signed by the required entities. Mayor Johnson will sign this upon receiving documentation and approval of the Geo Technical Study.

There was a concern raised about the east-west traffic flow in this section of the community. This has differed from the roadways being laid out on the grid system.

Consideration for Increasing the Stormwater Fee from $2 per Month to $3 per Month

Mayor Johnson reviewed with the Council the discussion which was held prior to this meeting regarding the increased costs for Stormwater compliance as mandated by the state.

Councilmember Cummings moved to adopt Resolution 2016 A Resolution Setting Fees for the Millville City Municipal Stormwater Fund. Councilmember Callahan seconded. Councilmember Zollinger questioned what the residents received for this money. It was noted that it is Phase 2 of the mandates being required by the state. It was explained that the current funds received does not allow for a lot of construction projects. Engineer Zan Murray explained the $3 cost is on the low side of what it being charged throughout the state; some fees are at $12 monthly. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the Resolution for the Stormwater Fund is included as Attachment "F".)

Consideration to Revise the Resolution Revising Terms, Conditions, and Fees for Connecting to the Millville City Municipal City Municipal Water System, Revising Water Rates, and Specifying Conditions for Security Deposit

Mayor Johnson reviewed the resolution for the water system as proposed. This would raise the fee for water usage $.05 on every 1,000 gallons of water sold. The new impact fee amounts are included in the Resolution; however, they cannot become effective until July 28, 2016. The water rates have not been increased for five years. **Councilmember Cummings moved to adopt Resolution 2016 A Resolution Revising Terms, Conditions, and Fees for Connecting to the Millville City Municipal Water System, Revising Water Rates, and Specifying Conditions for Security Deposit with the condition that the impact fees would not go into effect until July 28, 2016.** Councilmember Duffin seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of this Resolution is included as Attachment "G".)

Review of Proposed Budget for Fiscal Year 2017

Mayor Johnson and Recorder Jones reviewed the proposed budget for Fiscal Year 2017. The certified tax rate had been certified by the County Auditor and approved by the State Tax Commission authorizing $62,311 in property taxes with the rate of .000628. This amount was revised for the budgeted property tax revenue as well as General Government expenditures. (A copy of the corrected budget is included with the minutes as Attachment "H".)

Review of Revision to Fiscal Year 2016 Budget

Mayor Johnson along with Recorder Jones reviewed minor revisions to the 2016 budget increasing the revenue in donations by $50. In the General Fund expenditures, the P&Z Budget was increased by $500, Animal Control increased $500, Parks-Other increased $100; and the original budgeted amount for 9-1-1 Service was used. (A copy of the corrected budget is included with the minutes as Attachment "I".)

Councilmember Cummings moved to go into the Public Hearing. Councilmember Duffin seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused.

PUBLIC HEARING

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Zan Murray, Brett Hadfield, Paul Saunders

The purpose of the public hearing was to receive input on the following:

1. Proposed 2017 Budget and Certified Tax Rate.
2. Revisions to Fiscal Year 2016 Budget.

Public Comment:
There were no comments made.

Councilmember Duffin moved to close the Public Hearing. Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused.

Approval of Certified Tax Rate

Mayor Johnson reviewed with the Council the Resolution which had been prepared regarding the Certified Tax Rate. **Councilmember Duffin moved to approve the Resolution Setting the Millville City Certified Tax Rate for Fiscal Year 2016-2017.** Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the resolution is included with the minutes at Attachment "J".)

Resolution to Set the Compensation of Appointed Officials

Mayor Johnson reviewed the resolution with the Council that would increase the compensation for appointed officials by 2%, the same as proposed for all other City employees.

Councilmember Cummings moved to adopt the Resolution Setting the Compensation for Millville City Appointed Officials. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the resolution is included with the minutes as Attachment "K".)

Consideration for Accepting a Proposal for an Emergency Notification System

Councilmember Callahan explained the cost for the Emergency Notification System is $3,500 annually. He requested to have this item continued to the next agenda for consideration.

Resolution Adopting the 2017 Fiscal Year Budget

The resolution adopting the 2017 fiscal year budget was reviewed. **Councilmember Cummings moved to adopt Resolution 2016 a Resolution to Adopt the Budget for Fiscal Year 2016-2017.** Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the resolution is included with the minutes as Attachment "L".)

Resolution Adopting the Revised 2016 Fiscal Year Budget

Mayor Johnson reviewed with the Council the Resolution to adopt the 2015-16 Revised Budget. **Councilmember Duffin moved to approve the Resolution to Approve Revisions for the 2015-16 Fiscal Year Budget.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. (A copy of the resolution is included with the minutes as Attachment "M".)

Consideration of an Agreement between Nibley City and Millville City for Sewer Usage

Engineer Murray reported that he along with Superintendent Larsen, City Manager David Zook, and Justin Maughan had met and reviewed the proposed InterCity Waste Water Agreement that had been discussed at the previous meeting. The consensus of the meeting was that they felt this was reasonable and fair. This draft agreement is being reviewed by Attorney Jorgensen, but his comments had not been received to date. It was requested that this be continued to the next meeting agenda for further consideration.

Consideration of a Proposed Sewer Ordinance

Mayor Johnson reviewed the changes from the previous Proposed Sewer Ordinance that had been reviewed at the last Council Meeting. Connection Requirements, Connections of Existing Properties, and Mandatory Connection: Penalty had been removed. It was requested to have this ordinance set in a format that would comply with our current code. **Councilmember Cummings moved to continue forward with the drafting of this ordinance and have this item on the next agenda.** Councilmember Callahan seconded. Councilmembers Callahan, Cummings, and Duffin voted yes with Councilmember Zollinger voting no and Councilmember Williams excused. (A copy of the Sewer Ordinance is included with the minutes as Attachment "N".)

Bills to be paid

The bills were presented. They are as follows:

Stephanie Eggleston	3.78	General
Tara Hobbs	105.84	Water
Rose Mary Jones	66.80	Water
Adria Davis	16.90	P&Z
Alicia Nyman	47.98	City Celebration
Rocky Mountain Power—		
North Park	38.17	Park
Shop	173.33	Building
Crossing Guard	17.16	Crossing Guard
Ball Park	9.35	Park
North Well	17.90	Water
Park Well	2,008.20	Water

BILLS (Continued)--

Water Treatment	18.93	Water
Highline Reservoir	798.31	Water
Public Treasurers Investment Fund	7,667.00	Water
Cache County Service Area	10,308.90	Sanitation
Cache County Service Area	1,722.00	9-1-1
Cache County Service Area	1,109.98	Stormwater
Watkins Printing	221.65	MissMill/W/CityClbrtn
AT&T	53.01	General
Caselle	125.00	Water
Maceys	23.39	Miss Millville
J-U-B Engineer	2,425.00	Road/Stormwater
Jones Simkins	153.00	General/Water
Wells Fargo Bank	1,677.50	Water
Mya Simmons	25.00	MissMillville
Megan Covington	25.00	MissMillville
Mandi Green	123.87	City Celebration
Lindsay Zollinger	157.50	City Celebration
Jeannie Astle	58.06	City Celebration
Lowes	56.96	Park
USU Catering	1,622.25	City Celebration
Cache Valley Publishing	59.43	General
Debra Low	25.00	City Celebration
Cindy Cummings	492.49	City Celebration
Irene Jorgensen	50.00	Park
Peterson Plumbing Supply	41.10	Park
Jared Dahle	75.00	Water
Judy Pond Daniels	75.00	Water
Kalob Wahler	75.00	Water
Colby Martin	75.00	Water
Brandon Nielson	75.00	Water
Brittney Wall	75.00	Water
Teresa Womack	75.00	Water
Kandis Lindon	75.00	Water
Emily Hoffman	75.00	Water
Tammy George	75.00	Water
Joseph Jackson	75.00	Water
Spencer Holmgren	75.00	Water
Kristy Harding	75.00	Water
Eva LaRue Bateman	75.00	Water
Derek and Amy Carlsen	75.00	Water
Zoila Castillo	75.00	Water
Trevor and Callie Davis	75.00	Water
Jacey Forsgren	75.00	Water

BILLS (Continued)--

Colton Peterson	75.00	Water
Denise Johnson	75.00	Water
Glenn's Electric	1,625.24	Water
IPACO	34.00	WaterCapReplacmtFund
LeGrand Johnson Construction Co.	7,647.50	WaterCapReplacmtFund
LeGrand Johnson Construction Co.	160,190.24	Road – COG
LeGrand Johnson Construction Co.	71,363.01	Road – COG
Salary Register	12,987.02	

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

City Reports

Roads/Sidewalks:

Superintendent Larsen reported that M&M Asphalt will be doing the crack seal on the two park parking lots as well as 50% of the roads that are due for the service. This should be completed sometime in June.

The chip and seal project will be completed in the next fiscal year with the bulk of the project seal being completed on the 100 West and 100 North roads. This project is part of the 7 year rotation for road maintenance.

Mayor Johnson questioned about having the county contract with cities for these projects. Superintendent Larsen indicated this is the most cost effective method that the City could obtain.

Councilmember Callahan and other Councilmembers complimented Superintendent Larsen on the great condition of our roads. Superintendent Larsen indicated that most of the chip and seal has been paid for with Class "C" funds; however, the key is to just keep up on it.

The update on the 450/550 North Road project was the City is still awaiting CenturyLink to make their changes for the project to go forth; there is no definite date when this will happen. When completed, there will be a road closure on Main Street and 450 North for 45 days, as the roundabout is completed.

The construction company will continue to work on the 450/550 North road west of Main Street.

There was discussion about the sidewalk on 450/550 North west of Main Street; this is to be built on the north side of the road. There was also a discussion about the sidewalks that will accommodate the students going to the high school.

Councilmember Duffin also questioned whether the sidewalk on 450 North above 100 East on the North side of the road would be included in the COG Project. It was determined that it would not be eligible with this funding.

City Parks:
Superintendent Larsen reported there had been vandalism to the restrooms at the South Park during the past two weeks. This will be investigated.

Superintendent Larsen indicated the parks are almost ready for the City Celebration.

Culinary Water System:
Superintendent Larsen reported he is awaiting the delivery of an electrical panel to be installed as part of the Garr Spring Project, making the change in water from irrigation to municipal use. When this arrives, it should be inclusive for what is needed and would just need to be wired.

The culinary water usage has been reaching near one million gallons of water daily during this hot spell.

Resolution for Mayor Protem for Fiscal Year 2017
Mayor Johnson reviewed with the Council the resolution for this current fiscal year. (A copy of this is included with the minutes as Attachment "O".) Councilmember Cummings has been serving as the Mayor Protem. It was the consensus of the Council to have Councilmember Zollinger serve as Mayor Protem for the upcoming fiscal year. This resolution will be prepared and will be acted upon at the next Council Meeting.

Report on Old Mill Day
Councilmember Cummings reported she felt everything was good to go for the Celebration.

- Councilmember Zollinger will have two cars available for the Mayor and Council to ride in. Councilmember Cummings will get candy for them to throw out.
- The parade will congregate at the Stake Center on 450 North 350 East beginning at 9:45 a.m. and will then proceed to Main Street and go southward.

- There will be a fun run in the morning. Councilmember Duffin indicated they had several prizes donated for the runners.
- They will be setting up for the dinner beginning at 3:30 p.m. with the food being delivered to the park at 4:30 p.m.
- Dinner will be from 5 to 6:30 p.m.
- Games for children will be going on from 5 to 6:30 p.m.
- The Night Out Against Crime will also be going on. A landing by Life Flight is scheduled for about 5:30 p.m., if the helicopter is available.
- The Stormwater trailer will also be available; this will meet one of the requirements for our Stormwater education.
- There will be a Rodeo from 7 to 9 p.m.
- Councilmember Duffin requested using the dump truck to carry the Youth Council for the parade, as well as for transporting some pigs for the rodeo.

Councilmember Reports

(A copy of the Councilmember Reports are included with the minutes as Attachment "P.) Councilmember Zollinger reported he had visited with Kyle Hancey regarding the annexation of property in the eastern part of the community. He indicated this is in probate and will be tied up for up to two years. Mr. Hancey did not feel there was anything they could do at this time. There was also discussion about the water for this property and if it could be serviced by our water system; a portion of the property cannot be serviced at this time.

Councilmember Callahan had just received information from Kathy Baker for her proposal to annex property in the City; he had not yet reviewed this. It was suggested that he make contact the County representatives for further direction in what is required.

Councilmember Duffin had received information from Bear River Health Department regarding the crosswalk assessment at 100 South Main Street. (A copy of this information is included with the minutes as Attachment "Q".) This study showed the number of children walking on two different dates in the morning and afternoon. It was the consensus of the Council to not take action regarding this at this time.

Mayor Johnson indicated there is a need to find someone to help with the duties of the Development Coordinator. Information will be prepared for this position.

Mayor Johnson also reported that he had received a letter of resignation from Stephanie Eggleston as the City Secretary. She will be willing to continue to help until someone is found as a replacement.

Councilmember Duffin reported there had been a conflict at the tennis courts with residents and the Ellis/Johnson Tennis Camp that the City licensed to use the courts for a specified time during the months of June and July. The consensus of the Council was to revisit this for next year, as it should be available to the residents.

Other items for Future Agendas

Councilmember Callahan will address information about the Emergency Notification System at the next Council Meeting.

Recorder Jones questioned the availability of the electronic copy of the General Plan to be placed on the website.

Recorder Jones also brought attention to the redrawing of the Annexation Boundary for Nibley City to include the most southern part of the 'south fields'.

Superintendent Larsen requested time at the first of the July 28 meeting for Paul Inkenbrandt to present the ASR Final Report to the Council.

Engineer Murray requested having time to review and discuss the Stormwater Update that is required to be submitted to the State by July 1.

Mayor Johnson reported he had received notification that Pat Bowen will no longer be able to serve at the Museum Curator due to his health. Councilmember Callahan will be the contact person for those interested in viewing the museum.

Adjournment

Councilmember Cummings moved to adjourn the meeting. Councilmember Duffin seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams excused. The meeting adjourned at 8:42 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, June 9, 2016, 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 Ryan Zollinger.
3. Approval of agenda and time allocation.
4. Approval of minutes of the previous meeting – May 26, 2016.
5. Action Items—
   - A. Report on P & Z Meeting held June 2, 2016 – Mayor Michael Johnson – 7:03 p.m.
   - B. Proposal for Eagle Project for Millville City Signs – Brock Norris – 7:05 p.m.
   - C. Consideration of Final Approval for The Views at CopperLeaf Subdivision, a 24-lot subdivision located at approximately 475 North to 620 North between 225 East and 350 East–Mayor Michael Johnson – 7:10 p.m.
   - D. Consideration for Increasing the Stormwater Fee from $2 per month to $3 per month – Mayor Michael Johnson – 7:20 p.m.
   - E. Consideration to Revise the Resolution Revising Terms, Conditions, and Fees for Connecting to the Millville City Municipal City Municipal Water System, Revising Water Rates, and Specifying Conditions for Security Deposit – Mayor Michael Johnson – 7:22 p.m.
   - F. Review of Proposed Budget for Fiscal Year 2017 – Mayor Michael Johnson – 7:25 p.m.
   - G. Review of Revision to Fiscal Year 2016 Budget – Mayor Michael Johnson – 7:27 p.m.
   - H. PUBLIC HEARING – 7:30 p.m.
     The purpose of the public hearing is to receive input on the following:
     1. Proposed 2017 Budget and Certified Tax Rate.
     2. Revisions to Fiscal Year 2016 Budget.
   - I. Approval of Certified Tax Rate – Mayor Michael Johnson – 7:40 p.m.
   - J. Resolution to Set the Compensation of Appointed Officials – Mayor Michael Johnson – 7:42 p.m.
   - K. Consideration for Accepting a Proposal for an Emergency Notification System – Councilmember Mike Callahan – 7:50 p.m.
   - L. Resolution Adopting the 2017 Fiscal Year Budget – Mayor Michael Johnson – 8 p.m.
   - M. Resolution Adopting the Revised 2016 Fiscal Year Budget – Mayor Michael Johnson – 8:05 p.m.
   - N. Consideration of an Agreement between Nibley City and Millville City for Sewer Usage – Engineer Zan Murray – 8:10 p.m.
   - O. Consideration of a Proposed Sewer Ordinance – Mayor Michael Johnson – 8:20 p.m.
   - P. 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. Resolution for Mayor Protem for Fiscal Year 2017 – Mayor Michael Johnson
   - C. Report on Old Mill Day – Councilmember Cindy Cummings.
   - D. Councilmember Reports.
   - E. 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 June 6, 2016, 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 June 6, 2016.

Rose Mary A. Jones, Recorder

ATTACHMENT "B"

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
May 26, 2016

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Mark Williams, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Zan Murray, Martha Balph, Ian Zollinger, Dave Rayfield, Hollie Rayfield, Seth Duffin, Lynette Dickey, Mark Bodily, Dale Willden, Michael Duffin, Logan Davis, Bradley Monson, Ethan Zollinger, Tanner Hill, Ben Checketts, Lisa Welsh, Jordan Caldwell, Peter Whelan, Shane Reed, Harry Meadows, Stuart Todd, Darren Olsen, Bonnie Farmer, Brian Jensen, Bob Fotheringham, Bob Humphreys, Rod Hobbs, Rob Jones, Joel Duffin, Michelle Hill

Call to Order/Roll Call
Mayor Michael Johnson called the City Council Meeting to order for May 26, 2016 at 7 p.m. The roll call indicated Mayor Michael Johnson and Councilmembers Michael Callahan, Julianne Duffin, Mark Williams, and Ryan Zollinger were in attendance with Councilmember Cindy Cummings excused, as she would be late. Also Recorder Rose Mary Jones and Treasurer Tara Hobbs were present.

Opening Remarks/Pledge of Allegiance
Councilmember Williams led all present in the pledge of allegiance and then offered a prayer.

Approval of agenda and time allocations
The agenda for the City Council Meeting of May 26, 2016 was reviewed.
Councilmember Duffin moved to approve the agenda for May 26, 2016.
Councilmember Williams seconded. Councilmembers Callahan, Duffin, Williams and Zollinger voted yes with Councilmember Cummings 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 May 12, 2016.
Councilmember Williams moved to approve the minutes for May 12, 2016.
Councilmember Duffin seconded. Councilmembers Callahan, Duffin, Williams and Zollinger voted yes with Councilmember Cummings excused. (A copy of the minutes is included as Attachment "B".)

Report on P & Z Meeting held May 17, 2016

Planning Commissioner Lynette Dickey reported on the Commission Meeting held May 17, 2016. She indicated there had been a long discussion on what developers need to have completed before building clearances are issued. Guidelines need to be set to make sure everything is in place before building structures are approved. The Commission is working through this process with Superintendent Gary Larsen to make sure all is being done correctly. (A copy of the draft minutes is included as Attachment "C".)

Consideration for a Temporary Ban on Fireworks East of 500 East

Mayor Johnson discussed with the Council the fireworks proposal that had been made at the last Council Meeting. As a permanent fireworks ban has not yet been reviewed, it was proposed to do the same as last year in banning the fireworks. The order last year was that there should be no aerial fireworks east of 500 East and no fireworks east of 550 East in the City. There was some discussion about ground fireworks and to what degree they become an aerial firework.

Councilmember Callahan moved to reinstate the same temporary ban on the fireworks as last year. Councilmember Duffin seconded. Martha Balph commented that 93% of those who signed the petition were in favor of the ban of all fireworks east of 500 East permanently. Councilmembers Callahan, Duffin, Williams and Zollinger voted yes with Councilmember Cummings excused. The information informing residents of the ban will be included with the City Newsletter and also posted on the City posting boards.

Request for a Business License for Covenant Consulting Group, Inc. at 190 West 265 South

Ross Bowen had submitted a request for a business license for Covenant Consulting Group, Inc. at 190 West 265 South. He was not present at the Council Meeting. **Councilmember Williams moved to approve a business license for Ross Bowen.** Councilmember Duffin seconded. Councilmembers Callahan, Duffin, Williams and Zollinger voted yes with Councilmember Cummings excused. (A copy of the license application is included with the minutes as Attachment "D".)

Request for a Business License for Vivint Solar Developer, LLC for Door-to-Door Solicitation

Dan Black had requested a business license for Vivint Solar Developer LLC. This is a door-to-door solicitation business. There was no representative from the company present at the meeting. Recorder Jones had received a call regarding the status of the license; it was requested even if solicitation was not allowed, they would still like a license as they also do referrals. **Councilmember Callahan moved to approve the business license for Vivant Solar Developer.** Councilmember Zollinger seconded.

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

Councilmember Duffin moved to open the Public Hearing regarding the Creation of the Cache Water District. Councilmember Zollinger seconded. Councilmembers Callahan, Duffin, Williams and Zollinger voted yes with Councilmember Cummings excused.

PUBLIC HEARING

PRESENT: Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Mark Williams, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Gary Larsen, Zan Murray, Ian Zollinger, Dave Rayfield, Hollie Rayfield, Seth Duffin, Lynette Dickey, Mark Bodily, Michael Duffin, Logan Davis, Bradley Monson, Ethan Zollinger, Tanner Hill, Ben Checketts, Lisa Welsh, Jordan Caldwell, Peter Whelan, Shane Reed, Harry Meadows, Stuart Todd, Darren Olsen, Bonnie Farmer, Brian Jensen, Bob Fotheringham, Bob Humphreys, Rod Hobbs

Mayor Johnson reviewed information regarding the purpose of the Public Hearing reading from the Cache Water District Hearing Outline. He reported the City Council had already adopted a resolution to initiate the creation of the Cache County Water District. The resolution will allow this to be voted on at the upcoming election. He informed all present of the protest period; all protests are to be filed no later than September 12, 2016 with the Cache County Clerk.

Dave Rayfield and Bob Fotheringham were present to answer questions regarding the proposal. A card addressing frequently asked questions was made available to those wanting to learn more. Mr. Rayfield explained this district will be directed by a water board that is elected; they are to address all needs and issues with decisions coming from that board.

The public comments were as follows in brief:

Brian Jensen – seen this voted down two times before; acknowledged the way it was being handled with the County Council on board; concern for purpose versus cost with the cost coming from taxes, fees over the years will increase. Gave an example in Washington County of payment required to a water district prior to building, was like an impact fee; also a yearly assessment is required. Feels like they are being taxed to death, a lot of bureaucracy behind it with paid employees, etc.

Bob Fotheringham – there is a limit to what can be taxed; the tax is approximately $20-$24 annually for an average home, depending on the home value. The tax is proposed to be 2 mil – with a cap of 3 mil only if it is voted for. The tax doesn't keep going up. Mr. Fotheringham then explained the Washington County assessment. With the district, the property value has increased because it can be serviced with water. Without it, the property may possibly not be developable. It costs money to make sure water is supplied.

Brian Jensen – what are the water sources?

Dave Rayfield – conservation is one method. He explained he is a volunteer and not on payroll. Mr. Rayfield gave an example from Beaver Dam and their lack of water and ability to obtain funding to provide it. With a district, the ability to obtain grants helped them to get it. The elected board would look at all issues and based on need, data, and research would be able to make recommendations on how to service different situations.

Mark Bodily – What would the board members make?

Dave Rayfield – in the current resolution there is a proposed stipend of $5,000; this would be determined and regulated by the elected board.

Harry Meadows – concern for the cost effectiveness of water. About 82% of water is used for agriculture; should require underground irrigation so we would use only what water was needed. Questioned if we have water that is not currently being controlled? Who will pay the fees? If levied against the property tax, not all that use the water will have to pay for it.

Bob Fotheringham – as a landlord, would pass on the cost to the renters.

Harry Meadows – everyone gets to vote, not just the ones that will actually will be paying for this.

Dave Rayfield – there is a resolution which discussed the fees to be paid from the people that benefit from it. If a project is done in Trenton, they would be responsible to pay the user fees. There are bylaws set to help with regulation. There will be one member on the Board that will be appointed and that will be someone from agriculture. The district could supply water to municipalities but could not sell it to them.

Michael Callahan – disclosed he is the Water Master for the Millville Irrigation Company. Explained the law changed a few years ago, the County cannot manage water unless we have a district.

Bob Fotheringham – that is generally true; the County can do some things. The State of Utah is being proactive in providing water supplies through a sales tax that had been approved for that use.

Councilmember Cindy Cummings arrived at the meeting at this time.

Bob Fotheringham explained that wells use to be approved and developed pretty much wherever; now that is not the case. In 1983, Cache Valley created the Bear River Development Act allowing about three-fourths of the water to be claimed down south. The state has a plan; we have a plan and a strategy for the future. The state can plan for meeting needs of citizens, just like the district has the ability to manage to meet our needs and plan for the future as the board directs. The County can provide some services but not to the extent of a district.

With no other comments from those present, Mayor Johnson then read the final protest statement (a second declaration as mandated).

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

(The information reviewed for this agenda item is included with the minutes as Attachment "F".)

Concern for Traffic on 100 North

Lynette Dickey approached the Council concerning high speeds on 100 North. Since there has been more activity in the Mond-Aire Subdivision, this problem has increased dramatically. There are no sidewalks to walk on and explained the safety issue resulting. She questioned if a stop sign could be installed for the east/west traffic flow and have a 4-way stop or if the stop sign could be changed from the north/south and stopping the traffic going the east/ west direction.

Mayor Johnson indicated there are speed problems throughout the community. It was suggested that license plate numbers be taken down and reported to the Sheriff's office. Mayor Johnson indicated the City will make the officers aware of this concern.

Proposal of an Eagle Scout Project to Create a Sign at approximately 550 North 500 West for Millville City

Seth Duffin presented to the Council a proposal to install a sign at approximately 550 North 500 West on City-owned property. (A copy of the information presented is included with the minutes as Attachment "G".) The structure would be approximately six feet wide and seven feet tall. It was proposed to be made from wood, cement, and stainless steel. He had received donations toward the project to help defray part of the costs. This would be built after July 1 and would be proposed to come out of the budget

for the parks department. It was recommended to have no soil against the wood, as it would be the first place to rot. Under the sign, it was proposed to put wood chips. The lighting for the sign is still being reviewed to make sure it would be the most functional. Seth explained this would be a nice introduction into our City, as one of the accesses to the new high school will be in that area. The total cost should not exceed $1,200 if completed by Seth and would be about $2,000 otherwise.

Councilmember Cummings moved to approve an Eagle Scout Project as proposed by Seth Duffin, with the cost to not exceed $1,200, making sure it conforms to the City's sign ordinance. Councilmember Duffin seconded (as long as it was not a conflict of interest). There was discussion about the paint for the sign. The sign would need to be reviewed for compliance with the sign ordinance specifications. Councilmember Cummings and Duffin voted yes with Councilmembers Williams, Zollinger, and Callahan voting no. This will be presented to the Planning Commission for review.

Review of Proposed Revisions to the 2016 Fiscal Year Budget/Review of Fiscal Year Proposal of the 2017 Proposed Budget – Set Required Public Hearings

Mayor Johnson and Recorder Jones reviewed the budget for fiscal year 2017 with the changes noted as follows: increase in the RAPZ revenue and expenses as funding in the amount of $20,000 had been approved by the County Council plus the population-based amount granted; park impact fees had been reduced, as the RAPZ grant will cover additional costs for the restroom facility at the park; the form-based code was budgeted from the Capital Project Fund and moved to the General Fund; the Emergency Notification System had been included in the General Fund as $3,000; however, the cost has gone up to $3,500 annually (this amount will be revised in the budget); the generator for the Emergency Operation Center had been included with the amount allocated to Public Safety; the electrical project bringing power from the high school to 550 North at 300 West had been included in the road budget, as this project is planned to take place after July 1 according to DWA. In the water department, the sewer charges were changed from $2,500 to $18,000 which is $1,500 per month for revenue and expenses. Also the Mini-Miss Millville budget of $300 will be included with the Parks-Other Budget. (The information on the 2017 budget is included with the minutes as Attachment "H".)

The fiscal year 2015-16 Budget Revisions were reviewed. Each of the funds were reviewed for changes made and proposed by June 30, 2016. In consideration of all of the projects underway, it was proposed to transfer $30,000 from the General Fund to the Water/Sewer Fund to help defray the cost of the sewer betterment project on 450 North Main. (A copy of the proposed revised budget is included with the minutes as Attachment "I".)

Councilmember Cummings moved to accept the proposed budget for 2015-16 and 2016-17 and set a public hearing on June 9, 2016 at 7:30 p.m. Councilmember Williams seconded. Councilmembers Callahan, Cummings, Duffin, Williams and Zollinger voted yes.

Consideration of an Agreement between Nibley City and Millville City for Sewer Usage

Engineer Zan Murray reported he, along with Superintendent Larsen, Mayor Johnson, and Councilmember Zollinger had met with Attorney Jorgensen with regard to the Nibley City and Millville City Intercity Wastewater Agreement. There were some language changes to be included to show the value of the infrastructure which Millville City has been paying for. This change is recommended in case Nibley City decides they want to change treatment facilities. They will be meeting again with Nibley on Tuesday, May 31 at 2 p.m. There was a clerical correction brought to the attention of Engineer Murray on Item Number 4. This agreement needs to be adopted, as the Sewer system will soon be operational. (A copy of the information regarding this agreement is included with the minutes as Attachment "J".)

This item will be continued to another meeting when more information is available.

Consideration for Adoption of the Final Draft of the Interlocal Agreement for Ridgeline High School between Cache County School District and Millville City

Engineer Murray discussed the Interlocal Agreement as proposed between the Cache County School District and Millville City. There was discussion on the value of the impact fees that were provided to the City. He had requested that Lance Anderson representing the Cache County School District provide information on the total amounts spent on the transportation and water/sewer projects. The agreement shows a calculated amount for the impact fees for 2,000 students for transportation and water/sewer. There was discussion about whether the numbers needed to match exactly with the infrastructure built or whether the number should be taken out of the agreement. Engineer Murray indicated the calculations have varied during the process because of the number of students projected to use the school and the projects that have been done through negotiations. There was additional discussion on what the City has as a betterment versus what actually should be quantified. The feeling was expressed that the school district should be required to cover the impact they have on our community. There are costs to the City that have not been reimbursed by the developer, i.e. the bills to J-U-B for engineering services.

Engineer Murray explained that anyone paying a required impact fee can contest that fee, if they feel it was unjustly measured. The City was able to assess impact fees to the school district because of the state statute requiring a school to provide for a safe means to access that school. However, the fees could be challenged and a court case could ensue. Mayor Johnson indicated with all of the negotiations that took place, he feels the

school has met the impact fee value with the infrastructure built. It was questioned whether the infrastructure benefits the school more than it benefits our City.

Access off of 550 could have been the sole access into that school. The additional roads went in because they were needed. Having only one access road would have hurt the school. Discussions were held over the past three years about roadways, etc. The purpose of this agreement is to actually allow them to have the conditional use permit as required. Supplementary documentation should be provided with this agreement to show that these impact costs are in place and they have been reconciled. The City has never wanted to secure more funds than the amount of the calculated impact fees assessed.

Superintendent Larsen questioned whether the final inspection on roads could be made prior to the agreement being accepted.

Engineer Murray explained the school district is comfortable with this document. After a lengthy discussion, a motion was made as follows: **Councilmember Duffin moved to approve of and move forward with the Interlocal Agreement with Cache County School District.** Councilmember Williams seconded. Councilmembers Callahan, Duffin, and Williams voted in favor with Councilmembers Cummings and Zollinger opposing.

(A copy of the agreement is included with the minutes as Attachment "K".)

Proposal for Emergency Notification System

Councilmember Callahan reported he had been in contact with representatives of the Emergency Notification System and the cost has increased from $3,000 to $3,500 as an annual fee. He indicated they provided him with a power point presentation about the system. The quoted amount includes training for the service. He explained this system is instantaneous and is quick and can cover a lot of information. He declined an upgrade for the Geo Alert system which was an additional $1,500 and would require a lot of training. The information will be provided to the Council at the next Council Meeting where this item will be continued as an action item.

Bills to be paid

The bills were presented. They are as follows:

Mike Johnson	50.00	Water
Questar	90.54	NorthPark/Building
Staples	97.99	Water
Rocky Mountain Power	1,175.74	Street lights
ACN Communications	16.36	Water
Comcast	75.88	Building

BILLS (Continued)--

Maverik	341.92	Water
Olson & Hoggan	1,018.05	Legal/Road
J-U-B	18,494.61	Gen/Water/Sewer
Utah Local Governments Trust	961.07	Water/Insurance
CenturyLink	181.24	Water
Bear River Health Department	40.00	Water
David Rowell	50.00	Water
Allison Covington	85.27	MissMillville
Whitney Tibbitts	59.66	MissMillville
Melissa Hamilton	39.34	MissMillville
Deb Low	16.20	MissMillville
Brittany Wall	47.15	MissMillville
Heidi Checketts	99.80	MissMillville
Suzie Simmons	159.89	MissMillville
Gloria Jenson	163.12	MissMillville
CNH Capital	4,215.84	COG/Road
Jones Simkins	646.98	Consulting G/W
Nibley City	7,265.49	First Responders
Green Source	1,280.55	Park
Mya Simmons	475.00	Miss Millville
Megan Covington	275.00	Miss Millville
Hailey Checketts	150.00	Miss Millville
MeterWorks	6,131.86	WaterCapReplcmt Fund
HD Supply Waterworks	38,097.80	WaterCapReplcmt Fund
LeGrand Johnson	44,665.20	WaterCapReplcmt Fund
Salary Register	10,339.26	

Councilmember Duffin moved to pay the bills for May 26, 2016. Councilmember Cummings seconded. There was discussion about the projects being paid for by the Water Capital Replacement Fund; the J-U-B payment and whether this is part of CCCOG funds. Councilmembers Callahan, Cummings, Duffin, Williams and Zollinger voted yes.

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<u>City Reports</u>

Roads/Sidewalks:

Superintendent Larsen reported the status of the road closure this past week where installation of the sewer infrastructure under the roundabout at 450 North Main was done. There will be an asphalt patch on Main Street estimated to cost $4,000. This will be covered by the CCCOG funding. According to Jeff Gilbert, as long as the project comes in under budget, this would not be a substantial amount. The intersection is scheduled to be opened for Memorial Day weekend. The 450 North Road east of Main Street is scheduled to be closed for a couple of days next week.

Councilmember Duffin indicated she had received comments about the closure sign; there was not a hyphen between the dates of closure, therefore, it was assumed to be only for the two days listed. Engineer Murray will look into having this corrected.

Engineer Murray reported there had been an Engineer on-site today from CenturyLink. He shared that it will take them about four weeks to complete their project. Engineer Murray was encouraged with this news. He speculated that if they were to start the first part of June, the relocation of the CenturyLink boxes would be moved by the first part of July.

Superintendent Larsen explained the contractor will continue moving forward with the project. They will be installing curb, gutter, and sidewalk along the 450/550 North Road, preparing it for asphalt to be completed to Main Street.

Mayor Johnson and Engineer Murray had met with the Wilker property owners; after this meeting, they are hoping to have the roadway dedication plat resolved within a week or two.

There was also discussion about a retaining wall proposed by Kermit Price because of a slope from the roadway into his property. The original proposal was to have a 4 to 1 slope, which would have impacted about 35 feet of his property. However, Mr. Price wanted to have the least amount of property impacted and so it was changed to a 2 to 1 slope, making this taper on the property out about 17 feet. He is now requesting some type of a retaining wall be built. A proposal for a block wall would be $50 to $75 per sq. ft.; large cement blocks were also considered. Superintendent Larsen explained other accommodations have also been made for this parcel with the placement of the roundabout and an irrigation system to his property. After reviewing these concessions provided to him, it was proposed to go ahead without the retaining wall. The City will put in a fence for about $3,000.

The school will open on August 24; the roadway project will probably not be completed. The City is working with Johnson's to try to keep them on this project, so an additional mobilization fee will not have to be paid.

City Parks:
Superintendent Larsen reported he had received a couple of bids for garage doors. He did not know where they came from. Treasurer Hobbs indicated it was from an individual that has a garage door business in our community. Superintendent Larsen had not requested the bids.

Superintendent Larsen reported the splash pad is now open and ready to be used.

Culinary Water System:
Superintendent Larsen reported that about 30 of the Auto Meter Read meters have been installed to date. They are being installed as time permits. The meters will be read manually until the system is up and operating.

There was a question about the Aquifer Storage and Recovery Project. Superintendent Larsen did not have any further information about this. The City is still awaiting the final report to be issued.

Discussion on the Proposed Sewer Ordinance
Engineer Murray discussed with the Council the proposed Wastewater System Policy. He had been in contact with Walt Baker from the Water Quality Board to clarify when the sewer grant funds are required to be repaid. Mr. Baker indicated this would be when the City went back to them to request funding for building the sewer system. (A copy of correspondence explaining this is included with the minutes as Attachment "L".)

The proposed sewer ordinance was discussed. (This is included with the minutes as Attachment "M".) There was discussion about whether the connection requirements should remain in the ordinance, requiring anyone within 300 feet of a sewer main to connect onto it or whether the sewer line should just be west of 100 West. There also was discussion about having subdivisions put in dry sewer.

The City had an ordinance requiring dry sewers at one time; however, this was removed because legal counsel advised that there would need to be a sewer system in place within a two-year time frame.

Rod Hobbs had checked with the Questar attorneys and indicated that once a sewer system is within the City, it can be required to have dry sewers installed in subdivisions. The current cost is $145 per foot to install sewer.

Mr. Hobbs also commented that in the 2014 city-wide survey, the respondents that wanted sewer was 68% to 70% in favor; he felt that the City should proceed with it because of the will of the people. It was reported the survey questions were misleading on the cost for the sewer. It was felt that a sewer system this could be looked into may warrant some additional investigation.

Rob Jones questioned what the cost for sewer at $145 per foot would include. It was explained that this cost includes the funding to patch the roads.

There was the concern brought up about having smaller lots because it opens the door to less than 1/3 acre. The Affordable Housing Plan and the justifications that were just adopted in the General Plan would need to be reviewed.

Councilmember Zollinger asked 'if we need it at this time?' Superintendent Larsen identified our current system as an indoor outhouse.

Rob Jones voiced history of Millville and sewer; there was a vote taken by the residents of Millville in the 1980s – the cost would have been $14 per month and it was voted down. About 18 years ago, the cost was $40 per month and there was opposition received and the Council voted it down. At this stage in his life, he would just as soon keep the system the way it is.

There was additional discussion about why or why not Millville is an inviting place to live. The sewer ordinance needs to be approved as the sewer west of 100 West will soon be on line. After several concerns and opinions were expressed, it was suggested that a list of questions be made and then discussed with the attorney.

Recorder Jones will receive the electronic version of the ordinance and it will be prepared for the next meeting to again discuss the ordinance. She was requested to remove Items 8-2-2-C and 8-2-2-D Use of Public Sewers and anything requiring an individual to hook onto the sewer. This will again be addressed at the next Council Meeting.

Councilmember Reports

(The Councilmember Reports List is included with the minutes as Attachment "N".)
Councilmember Cummings reported on the City Celebration as follows:

- She indicated they are planning for 900 people.
- It will be on June 11.
- The committee is requesting the Mayor and Council participate in the parade which will begin at 10 a.m. She asked for suggestions for the Grand Marshall.
- There will be a Trap Shoot which will be held the Wednesday before the celebration. Each participant is to furnish their own gun and shells.
- There is to be a pickle ball tournament.
- The Tennis Tournament has already started.
- Councilmember Cummings reported she had signed a contract for the food with USU Catering.

Councilmember Zollinger had been contacted by the Ridgeline PTA. They are trying to get started with a fundraiser and would like to do a color run. They are hoping to include all ages and do a 5K and 1K run selling the entrance fee and colored chalk. They questioned about conditions they need to meet to be able to do this within the City.

There was also discussion about the Homecoming Parade; it has been tentatively planned to be held in Nibley.

It was the consensus of the Council that the City needs to embrace the high school and welcome activities that are sponsored.

Councilmember Williams reported he had given permission to have a dog euthanized, as recommended by the vet because it was very aggressive.

Other items for Future Agendas

Councilmember Duffin may have additional information regarding an Eagle Project Sign Project by the next Council Meeting.

Treasurer Hobbs requested donating a Reading Box to be installed near the splash pad that will be maintained and installed by her. This would make books available to be used while at the park. She was asked to make a plan and bring it back to the Council for consideration.

Recorder Jones followed up trying to get the electronic version of the General Plan so it could be put on the City's website. Councilmember Duffin and Engineer Murray will look into the status of this.

Adjournment

Councilmember Duffin moved to adjourn the meeting. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams and Zollinger voted yes. The meeting adjourned at 11:10 p.m.

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ATTACHMENT "C"

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah
June 2, 2016

1. Roll Call:
Chairman Jim Hart, Commissioners Lynette Dickey, Bonnie Farmer, Garrett Greenhalgh, Natalie Smith (Alt.) and Larry Lewis (Alt.)

Others Present:
Mayor Michael Johnson, Treasurer Tara Hobbs, Ezra Eames, Brett Hadfield, Paul Saunders, Randon Parkinson, Megan Richards, Kelly Rowser, Scott Theurer and Zan Murray. Secretary Adria Davis recorded the minutes.

2. Opening Remarks/Pledge of Allegiance
Chairman Hart opened the meeting at 8:01 p.m.
He led those present in the Pledge of Allegiance.

3. Review and Approval of agenda
The agenda for the Planning Commission meeting of June 2, 2016 was reviewed. A motion was made by Commissioner Dickey to approve the agenda as presented. Commissioner Farmer seconded. Commissioners Hart, Dickey, Farmer, Greenhalgh, Smith (Alt.) and Lewis (Alt.) voted yes, with Commissioner Thompson absent.

4. Review and Approval of the Minutes of the Planning Commission Meeting
The minutes for the meeting of May 19, 2016 were reviewed. A motion was made by Commissioner Dickey to approve the minutes as outlined. Commissioner Smith (Alt.) seconded. Commissioners Hart, Dickey, Farmer, Greenhalgh, Smith (Alt.) and Lewis (Alt.) voted yes, with Commissioner Thompson absent.

5.A Consideration of zoning clearance for a building permit by Megan and Eric Richards, for a residence to be located at 152 North 480 East, lot #28 Mond-Aire Heights Subdivision in Millville, Ut.
Commissioner Greenhalgh made a motion to postpone this item as phase II of the subdivision is not complete at this time. Commissioner Farmer seconded. Commissioners Hart, Dickey, Farmer, Greenhalgh, Smith (Alt.) and Lewis (Alt.) voted yes, with Commissioner Thompson absent.

Commissioner Thompson arrived at the meeting at this time.

5.B. Review and Consideration for recommendation to the City Council of the Final Plat for The Views at CopperLeaf Subdivision.
Engineer Murray said everything looked ok; his only concern was one area on the proposed 250 East which would need some fill. They were going to have a Geotechnical Engineer do a soil report to make sure the road and sidewalk in that area wouldn't shift or settle after adding fill. The following items had all been reviewed:

- Bear River Health Dept.
- Easement agreement with Providence City
- Future connections with 300 East
- Fire Dept. allows one subdivision access with up to 30 lots, and 2 accesses for up to 70 lots (this subdivision has 24 lots)

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- Water runoff – 3 ponds with full retention ditch on west end
- Perimeter fence (none required at this time)
- Providence sewer line, diverted to cut off under the road

Scott Theurer, adjacent property owner, had some questions regarding an existing water valve on the upper corner of this property, where the water diverted to two channels servicing himself and this subdivided area.
Engineer Murray would check to make sure the existing easement was sufficient to include this irrigation easement and adjust the final plat if needed.
Commissioner Lewis (Alt.) made a motion to recommend to the City Council the approval of The Views at CopperLeaf Subdivision contingent upon the geo-testing results. Commissioner Dickey seconded. Commissioners Hart, Dickey, Farmer, Greenhalgh, Thompson, Smith (Alt.) and Lewis (Alt.) voted yes

6.A. Ordinance change re: facilities for the elderly
This item was tabled, to be reviewed at a future meeting.

6.B. Presentation on Trello by Natalie Smith
Commissioner Smith (Alt.) demonstrated a web based program that would allow all the commissioners to be more updated on projects like the progress of a subdivision. Participation is by invitation only.

6.C. City Council Reports – review minutes from May 26, 2016 meeting.
Commissioner Dickey reported that she attended the meeting. She was heard regarding her concern for traffic on 100 North, but no action would be taken.

6.D. Agenda Items for Next Meeting
Poss. Building permits dependent upon Phase II completion
Discussion – Ordinance on Elderly facilities

6.E. Other
Ezra Eames reported on the progress of phase II, and asked if a special meeting could be held once the improvements were complete to help the homeowners get permits faster.
The Commissioners were all in favor of holding such a meeting. Minimum of 3 commissioners are required in order to hold a meeting (4 if Commissioner Greenhalgh has his own permits involved in the meeting).

Commissioner Thompson enlisted the support of the planning commission to have an entry in the Millville Days Parade, June 11 at 9:30 am.

Commissioner Greenhalgh had some questions regarding variances to the 108' frontage requirement. Any requests must go through the board of adjustments.

7. Calendaring of future Planning and Zoning Meeting
The next meeting will be held Thursday, June 16, 2016.

8. Assignment of Representative for City Council Meeting
No one was assigned.

9. Adjournment
Chairman Hart moved to adjourn the meeting at 9:17 p.m. Commissioner Lewis (Alt.) seconded.

ATTACHMENT "D"

Brock Norris

Eagle Project Expense Sheet

Item	Estimated Cost	Actual Cost
Tools for prep sign to Stain	$20.00	
Stain	$130.00	
Paint Brushes	$10.00	
Misc. Supplies (Rubber Gloves, Water)	$25.00	
Total	$185.00	

ATTACHMENT "E"

RESOLUTION 2016-4

A Resolution to Establish The Views at CopperLeaf Subdivision

WHEREAS, a request to subdivide property parcels 02-129-0033 and 02-129-0034 located at approximately 475 North to 620 North between 225 East and 350 East has been received; and

WHEREAS, the Planning Commission reviewed the preliminary drawings on March 3, 2016, and scheduled a public hearing for March 17, 2016; and

WHEREAS, the Planning Commission held a public hearing on March 17, 2016, and recommended approval of The Views at CopperLeaf Subdivision preliminary plat on March 17, 2016; and

WHEREAS, the Planning Commission reviewed the final drawings of The Views at CopperLeaf Subdivision on June 2, 2016 and recommended approval to the City Council with the condition of soils testing being completed; and

WHEREAS, the Millville City Council reviewed final drawings of The Views at CopperLeaf Subdivision at their Council Meeting on June 9, 2016;

THEREFORE, BE IT RESOLVED that the City council hereby accepts The Views at CopperLeaf Subdivision as proposed in drawings and documents submitted. These documents have been found to be in compliance with applicable Millville City Ordinances.

Passed and approved by the Millville City Council this 9th day of June, 2016.

SIGNED:

Michael E. Johnson, Mayor

ATTEST:

Rose Mary A. Jones, City Recorder

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

IRREVOCABLE LETTER OF CREDIT

Borrower: ATHENIAN ACQUISITIONS, LLC
286 NORTH GATEWAY DRIVE, SUITE 202
PROVIDENCE, UT 84332

Lender: Cache Valley Bank
Main Office
101 North Main
P.O. Box 3227
Logan, UT 84321
(435) 753-3020

Beneficiary: CITY OF MILLVILLE
P.O. BOX 308
MILLVILLE, UT 84332

NO.: 2016-19

EXPIRATION DATE. This letter of credit shall expire upon the close of business on 06-10-2018 and all drafts and accompanying statements or documents must be presented to Lender on or before that time (the "Expiration Date").

AMOUNT OF CREDIT. Lender hereby establishes at the request and for the account of Borrower, an Irrevocable Letter of Credit in favor of Beneficiary for a sum of One Million Two Hundred Sixty-five Thousand Seven Hundred Forty-five & 54/100 Dollars ($1,265,745.54) (the "Letter of Credit"). These funds shall be made available to Beneficiary upon Lender's receipt from Beneficiary of sight drafts drawn on Lender at Lender's address indicated above (or other such address that Lender may provide Beneficiary in writing) during regular business hours and accompanied by the signed written statements or documents indicated below.

WARNING TO BENEFICIARY: PLEASE EXAMINE THIS LETTER OF CREDIT AT ONCE. IF YOU FEEL UNABLE TO MEET ANY OF ITS REQUIREMENTS, EITHER SINGLY OR TOGETHER, YOU SHOULD CONTACT BORROWER IMMEDIATELY TO SEE IF THE LETTER OF CREDIT CAN BE AMENDED. OTHERWISE, YOU WILL RISK LOSING PAYMENT UNDER THIS LETTER OF CREDIT FOR FAILURE TO COMPLY STRICTLY WITH ITS TERMS AS WRITTEN.

DRAFT TERMS AND CONDITIONS. Lender shall honor drafts submitted by Beneficiary under the following terms and conditions:

Upon Lender's honor of such drafts, Lender shall be fully discharged of Lender's obligations under this Letter of Credit and shall not be obligated to make any further payments under this Letter of Credit once the full amount of credit available under this Letter of Credit has been drawn.

Beneficiary shall have no recourse against Lender for any amount paid under this Letter of Credit once Lender has honored any draft or other document which complies strictly with this Letter of Credit, and which on its face appears otherwise in order but which is signed, issued, or presented by a party or under the name of a party purporting to act for Beneficiary, purporting to claim through Beneficiary, or posing as Beneficiary without Beneficiary's authorization. By paying an amount demanded in accordance with this Letter of Credit, Lender makes no representation as to the correctness of the amount demanded and Lender shall not be liable to Beneficiary, or any other person, for any amount paid or disbursed for any reason whatsoever, including, without limitation, any nonapplication or misapplication by Beneficiary of the proceeds of such payment. By presenting upon Lender or a confirming bank, Beneficiary certifies that Beneficiary has not and will not present upon the other, unless and until Beneficiary meets with dishonor. Beneficiary promises to return to Lender any funds received by Beneficiary in excess of the Letter of Credit's maximum drawing amount.

USE RESTRICTIONS. All drafts must be marked "DRAWN UNDER Cache Valley Bank IRREVOCABLE LETTER OF CREDIT NO. 2016-19 DATED 06-09-2016," and the amount of each draft shall be marked on the draft. Only Beneficiary may complete a draft and accompanying statements or documents required by this Letter of Credit and make a draw under this Letter of Credit. This original Letter of Credit must accompany any draft drawn hereunder.

Partial draws are not permitted under this Letter of Credit.

PERMITTED TRANSFEREES. The right to draw under this Letter of Credit shall be nontransferable, except for:

A. A transfer (in its entirety, but not in part) by direct operation of law to the administrator, executor, bankruptcy trustee, receiver, liquidator, successor, or other representative at law of the original Beneficiary; and

B. The first immediate transfer (in its entirety, but not in part) by such legal representative to a third party after express approval of a governmental body (judicial, administrative, or executive).

TRANSFEREES REQUIRED DOCUMENTS. When the presenter is a permitted transferee (i) by operation of law or (ii) a third party receiving transfer from a legal representative, as described above, the documents required for a draw shall include a certified copy of the one or more documents which show the presenter's authority to claim through or to act with authority for the original Beneficiary.

COMPLIANCE BURDEN. Lender is not responsible for any impossibility or other difficulty in achieving strict compliance with the requirements of this Letter of Credit precisely as written. Beneficiary understands and acknowledges: (i) that unless and until the present wording of this Letter of Credit is amended with Lender's prior written consent, the burden of complying strictly with such wording remains solely upon Beneficiary, and (ii) that Lender is relying upon the lack of such amendment as constituting Beneficiary's initial and continued approval of such wording.

NON-SEVERABILITY. If any aspect of this Letter of Credit is ever declared unenforceable for any reason by any court or governmental body having jurisdiction, Lender's entire engagement under this Letter of Credit shall be deemed null and void ab initio, and both Lender and Beneficiary shall be restored to the position each would have occupied with all rights available as though this Letter of Credit had never occurred. This non-severability provision shall override all other provisions in this Letter of Credit, no matter where such provision appears within this Letter of Credit.

GOVERNING LAW. This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Utah without regard to its conflicts of law provisions, and except to the extent such laws are inconsistent with the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No. 600. This Agreement has been accepted by Lender in the State of Utah.

EXPIRATION. Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to Lender on or before the Expiration Date unless otherwise provided for above.

LENDER.

CACHE VALLEY BANK

By: _____
David R. Zilles, Executive Vice President

Dated: June 9, 2016

LENDER:

CACHE VALLEY BANK

By: _____
Brad Peterson, Senior Vice President

LaserPro, Ver. 16.5.10.002 Copr. D+H USA Corporation 1997, 2016. All Rights Reserved. - UT L:\CFI\LPL\C43LOC.FC TR-16125 PR-33

Final Plat Requirements

A completed final plat shall be clearly and legibly drawn in black, waterproof India ink upon tracing linen, Mylar of 0.004 inch in thickness (minimum), or some similar stable base material. The complete final plat submittal shall consist of the final plat and all required supporting materials.

1- The final plat drawing shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions where the majority of lots are less than five (5) acres in size. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be twenty four inches (24") high by thirty six inches (36") wide. Information on the plat shall be so positioned that a one and one-half inch ($1^1/_2$") margin is left on the left side of the sheet and a one inch (1") margin on the three (3) remaining sides. The scale may be reduced to one inch equals two hundred feet (1" = 200') for subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the final plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.

2- **Twelve (12) copies of the final plat and four (4) copies of all required supporting material** shall be submitted to the city planner at least thirty (30) days prior to the commission meeting at which the final plat is to be considered.

Following approval of the final plat by the planning commission, the subdivider shall **submit the following supporting material** relating to the final plat to the city planner:

1. **Checklist**: A final plat checklist on standard forms provided.

☒ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

2. **Construction Drawings**: Construction drawings prepared in accordance with the "Millville City Manual Of Design And Construction Standards". Section 1.05, designed per sections 2.0 through 9.0 and as outlined in section 16.16.020 of this title. These drawings are a continuation of those prepared during the preliminary plat submittal.

☒ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

3. **Septic Tank Suitability Report**: Septic tank suitability report prepared in accordance with the "Millville City Manual Of Design And Construction Standards".

☒ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

4. **Drainage Report**: A drainage report prepared in accordance with the "Millville City Manual Of Design And Construction Standards".

☒ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

5. **Soils Report**: A soils report prepared in accordance with the "Millville City Manual Of Design And Construction Standards".

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

6. **Development Layout Plan**: A development layout plan if development is to be constructed in phases..

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

7. **Other Studies**: Other associated studies if required by planning and zoning commission. (Geological or other hazard studies.)

* Geotechnical report pending

☐ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

8. **Letter From U.S. Army Corp Of Engineers**: Letter from U.S. army corp of engineers indicating their approval if wetlands, stream alterations or other criteria necessitate their involvement.

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

9. **Minimum Building Setbacks**: For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.

☐ Included ☒ Reference Plat/Construction Drawings ☐ Not Applicable

10. **Deeds**: When required by the city, assurance that a warranty deed or other acceptable instrument conveying to the city or other appropriate public agency any public lands other than streets, alleys or easements shown on the final plat and title insurance if required by the city on the subject parcel, shall be presented to the city upon approval of the final plat. The method of assurance will be approved by the city attorney.

☐ Included ☒ Reference Plat/Construction Drawings ☐ Not Applicable

11. **Land In Lieu Of Fees**: Dedication of public land, open space or park area may be used in lieu of fees, as determined by the city council.

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

12. **Title Opinion**: Evidence satisfactory to the city must be submitted showing all taxes and assessments due on the property to be subdivided have been paid in full, showing title or control of the property to be subdivided and showing the property to be subdivided as free and clear of any liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence. Such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases.

☒ Included ☐ Reference Plat/Construction Drawings ☐ Not Applicable

13. **Floodplain**: If a subdivision lies within any 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN THE ONE HUNDRED YEAR FLOOD PLAIN AS DEFINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

14. **Geological Fault Zones**: If a subdivision or lot lies within five hundred feet (500') or over a known geological fault, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN FIVE HUNDRED FEET OF A KNOWN GEOLOGICAL FAULT.

☐ Included ☐ Reference Plat/Construction Drawings ☒ Not Applicable

Bear River Health Department

Executive Director - Lloyd C. Berentzen, M.B.A.
Deputy Director - Todd Barson

Environmental Health Division
Division Director ~ Grant Koford, M.S., L.E.H.S.
www.brhd.org

April 5, 2016

Millville City Planning and Zoning
PO Box 685
Millville, UT 84326

To Whom It May Concern:

This letter is in response to the proposed Views at Copper Leaf subdivision for **Athenian Acquisitions** located at approximately 250 E 500 N, Millville, Utah. It is proposed that the subdivision will contain 24 new building lots.

Site and soil conditions have been investigated and it is determined that each lot is feasible for an onsite wastewater system. Each drainfield will need to be installed in an area where the slope is less than 25 percent and a minimum setback distance of 25 feet to storm water catch basins. Lots 1 through 6 will be required to have the drainfield installed on the East side of each lot. Potable water will be provided to each lot by Millville City. Further soil testing may allow for deeper seepage pits on some of the lots.

Lots 1-4, 9-11: Maximum septic drainfield trench depth is to be limited to 6 feet below natural soil grade for the septic system drainfield area. A hydraulic loading rate of 0.9 will be used for standard trench drainfield sizing.

Lots 5-8: Maximum septic drainfield trench depth is to be limited to 13 feet below natural soil grade for the septic system drainfield area. A hydraulic loading rate of 0.9 will be used for standard trench drainfield sizing.

Lots 12-15: Maximum septic drainfield trench depth is to be limited to 8 feet below natural soil grade for the septic system drainfield area. A hydraulic loading rate of 0.9 will be used for standard trench drainfield sizing.

Lots 19-24: Maximum septic drainfield trench depth is to be limited to 11 feet below natural soil grade for the septic system drainfield area. A hydraulic loading rate of 0.9 will be used for standard trench drainfield sizing.

Each on-site individual wastewater disposal system is to be installed in accordance with R317-4, Utah Administrative Code, Onsite Wastewater Systems Rule. Before installation begins, a septic permit will need to be obtained from this office. Final approval will be given only after an onsite inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that feasibility status may change if it is determined that the information on which it is based is either incorrect or incomplete.

Sincerely,

Richard Worley, Division of Environmental Health

Copy: Brett Hadfield

John C. Bailey Building: 655 East 1300 North • Logan, UT 84341 • *Phone:* (435) 792-6500
Environmental Health Services Building: 85 East 1800 North • Logan, UT 84341 • *Phone:* (435) 792-6500 • *Fax:* (435) 752-1570
Brigham City: 992 South 800 West • Brigham City, UT 84302 • *Phone:* (435) 695-2076 • *Fax:* (435) 723-6747
Randolph: 275 North Main • Randolph, UT 84064 • *Phone:* (435) 793-2445 • *Fax:* (435) 793-2444

Skyline
A/E/S, INC.
Architecture / Engineering / Surveying
95 W. Golf Course Rd #101, Logan, Ut 84321
(435) 752-8501 / Fax (435) 752-8597

Percolation Test Record Sheet

Report Date: 4-5-16

Name of Owner or Development: Brett Hadfield Development, 300 West 500 North, Millville, Utah

Date(s) of percolation testing: 4-3-16 thru 4-5-16

Location of property or test site: Acreage at about 300 West 500 North in Millville, Utah

Percolation test #: single test on the existing topsoil @ grade on east side of Hadfield home

Saturation time (hrs): 20 hr 35 min **Time Interval used:** 30 min **Hole diameter:** 9"

Total depth of test hole: 14" **Swell time:** 4 hr 5 min **Depth to water table:** unknown, but deep

Weather: Clear to p.cloudy on 4-4-16, dry, some breeze, highs to 60s, lows to 25+, no hard freeze

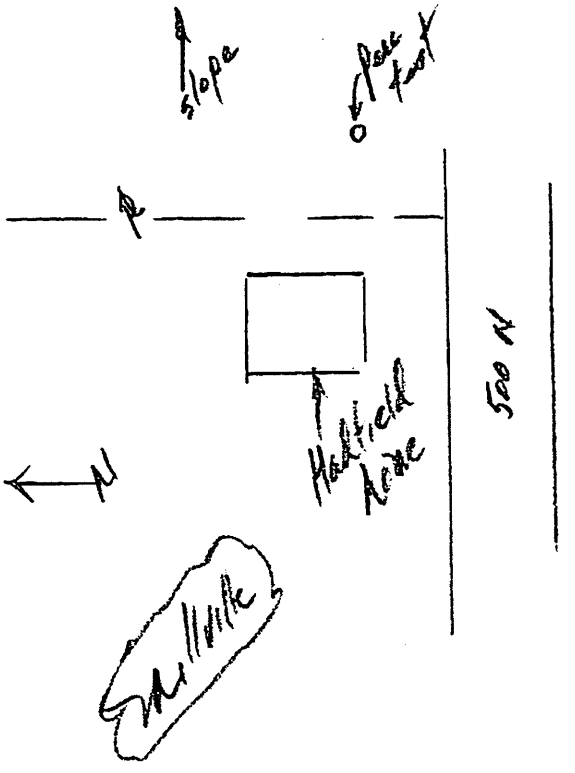
Soil Description: For this single perc test at the existing surface, 100' east of the Hadfield home, a dark organic topsoil with rocks to 3" throughout depth to 14". The soil is a gravelly and lean organic silty clay, a GP, poorly graded.

Initial Depth To Water	Starting Time	Final Depth to Water	Ending Time	Water Drop (inches)	Elapsed Time (min)	Perc. Rate (min/inch)
6"	8:10:15	8"	8:40:15	2"	30"	15
6-1/4"	8:42:00	8-3/4"	9:12:00	2-1/2"	"	12
6"	9:15:00	8-1/8"	9:45:00	2-1/8"	"	14.1
6-1/2"	9:47:00	8-7/8"	10:17:00	2-3/8"	"	12.6
6-1/8"	10:20:00	8-1/2"	10:50:00	2-3/8"	"	**12.6** ✓

Percolation Test Record Sheet, cont'd

Final Stabilized Percolation Rate: 12.6 min/inch of water drop

Location where test was conducted: east side of the Chet Hadfield home @ 211 East 500 North, Millville, Utah, about 50' beyond the fence line that runs along the home property, see sketch below.



I certify that percolation tests have been conducted on the above property in accordance with requirements specified in the code of waste disposal regulations parts 4 and 5. Adopted by the Utah State Board of Health and the Utah Water Pollution Control Board, and that to the best of my knowledge the forgoing information is true and correct. I also certify that I am a third party, disinterested, impartial witness.

Signature P Camp Date 4-5-16

Skyline
A/E/S, INC.
Architecture / Engineering / Surveying
95 W Golf Course Rd #101, Logan, Ut 84321
(435) 752-8501 / Fax (435) 752-8597

Percolation Test Record Sheet

Report Date: 3-24-16

Name of Owner or Development: Brett Hadfield Development, 300 West 500 North, Milville, Utah

Date(s) of percolation testing: 3-21-16 thru 3-24-16

Location of property or test site: Acreage at about 300 West 500 North in Millville, Utah

Percolation test #: 2 (see attached mapping of the percolation testing locations, pg. 9 of 9)

Saturation time (hrs): 18 hr 30 min **Time Interval used:** 5 min **Hole diameter:** 9-10"

Total depth of test hole: 14" **Swell time:** 4 hr 5 min **Depth to water table:** unknown

Weather: Variable over the four days of work, generally p.cloudy to cloudy, snow and rain at times, wet conditions, calm, highs to 40-50 F, lows to 25-30

Soil Description: For perc test #, 0-2' of gravelly topsoil over silty gravels to 3.5-4', rocks to 3". Perc. testing from 4-5.1' depth in gravels and rock to 2", very little clay in the perc test hole, similar to #4.

Initial Depth To Water	Starting Time	Final Depth to Water	Ending Time	Water Drop (inches)	Elapsed Time (min)	Perc. Rate (min/inch)
6-1/8"	11:18:00	9-1/8"	11:23:00	3"	5	1.7
6-1/8"	3:16:00	9-5/8"	3:21:00	3-1/2"	"	1.4
6"	3:23:00	9"	3:28:00	3"	"	1.7
6-3/8"	3:31:00	10-1/8"	3:36:00	3-3/4"	"	1.3
6-1/2"	3:38:00	10-1/4"	3:43:00	3-3/4"	"	**1.3** ✓

Percolation Test Record Sheet, cont'd

Final Stabilized Percolation Rate: 1.3 min/inch of water drop

Location where test was conducted: The lower or hole to the west, in the Mathew's horse pasture along fence line

I certify that percolation tests have been conducted on the above property in accordance with requirements specified in the code of waste disposal regulations parts 4 and 5. Adopted by the Utah State Board of Health and the Utah Water Pollution Control Board, and that to the best of my knowledge the forgoing information is true and correct. I also certify that I am a third party, disinterested, impartial witness.

Signature _____ Date 3-24-16

Skyline
A/E/S, INC.
Architecture / Engineering / Surveying
95 W Golf Course Rd #101, Logan, Ut 84321
(435) 752-8501 / Fax (435) 752-8597

Percolation Test Record Sheet

Report Date: 3-24-16

Name of Owner or Development: Brett Hadfield Development, 300 West 500 North, Milville, Utah

Date(s) of percolation testing: 3-21-16 thru 3-24-16

Location of property or test site: Acreage at about 300 West 500 North in Millville, Utah

Percolation test #: **4** (see attached mapping of the percolation testing locations, pg. 9 of 9)

Saturation time (hrs): 20 hr **Time Interval used:** 5 min **Hole diameter:** 9"

Total depth of test hole: 14" **Swell time:** 4 hr **Depth to water table:** unknown

Weather: Variable over the four days of work, generally p.cloudy to cloudy, snow and rain at times, wet conditions, calm, highs to 40-50 F, lows to 25-30

Soil Description: For perc test #4, 0-2' of gravelly topsoil over silty gravels to 3.5-4', rocks to 2". Perc. testing from 4-5.1' depth in gravels and rock to 2", very little clay in the perc test hole, similar to #2.

Initial Depth To Water	Starting Time	Final Depth to Water	Ending Time	Water Drop (inches)	Elapsed Time (min)	Perc. Rate (min/inch)
6"	3:10:00	6-5/8"	3:15:00	5/8"	5	8
6-1/8"	3:16:00	6-1/2"	3:21:00	3/8"	"	1.3
6"	3:23:00	6-7/8"	3:28:00	7/8"	"	5.7
6-3/8"	3:31:00	6-7/8"	3:36:00	1/2"	"	2.5
6-1/2"	3:38:00	7"	3:43:00	1/2"	"	**2.5** ✓

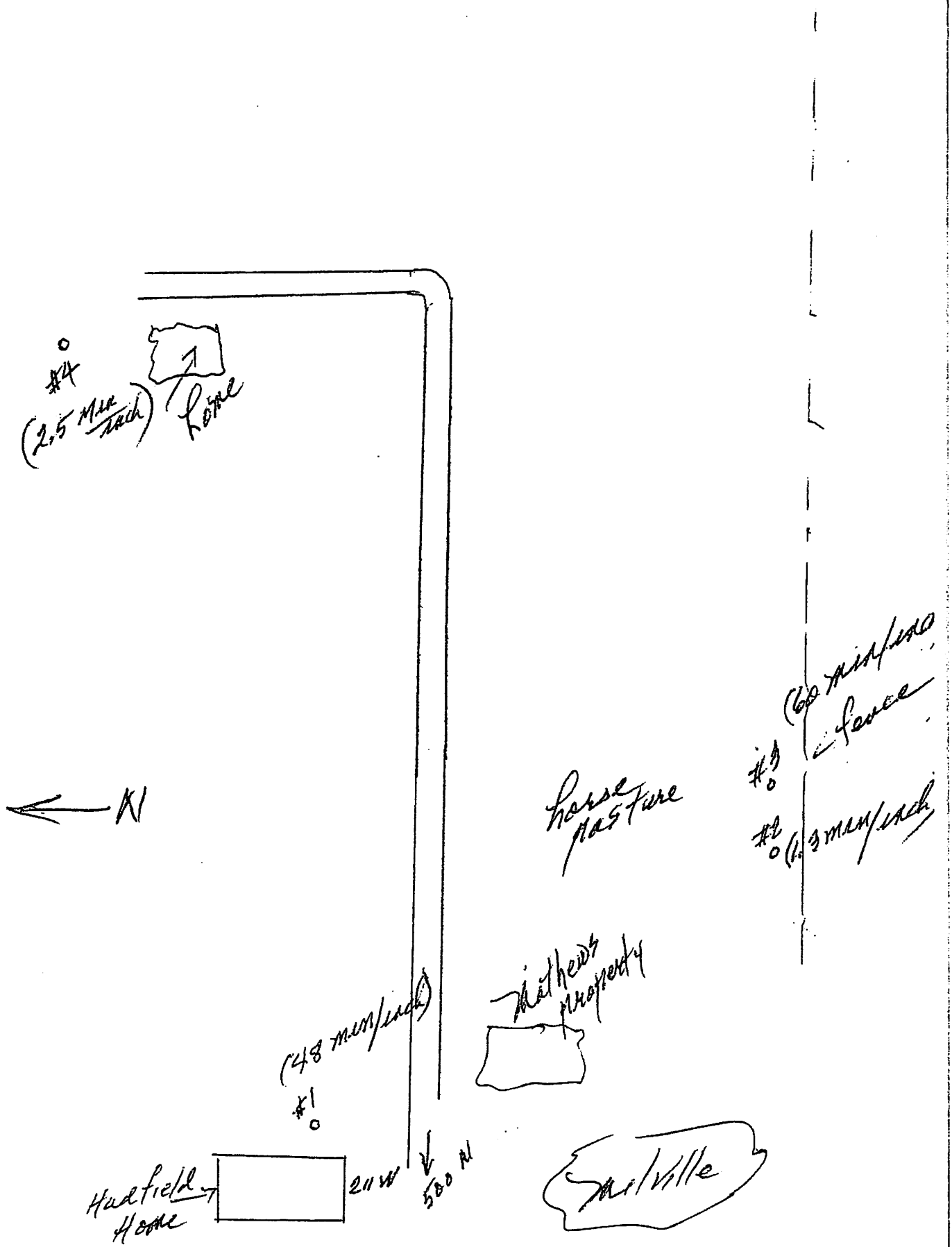
Percolation Test Record Sheet, cont'd

Final Stabilized Percolation Rate: 2.5 min/inch of water drop

Location where test was conducted: up on the top of the hill east of the Hadfield home and north of the existing home.

I certify that percolation tests have been conducted on the above property in accordance with requirements specified in the code of waste disposal regulations parts 4 and 5. Adopted by the Utah State Board of Health and the Utah Water Pollution Control Board, and that to the best of my knowledge the forgoing information is true and correct. I also certify that I am a third party, disinterested, impartial witness.

Signature _____ Date 3-24-16



#4
(2.5 Min/inch)
home
N
horse pasture
#3
(60 min/inch)
fence
#2
(1.3 min/inch)
Mathews property
(48 min/inch)
#1
Hadfield Home
211 W
500 N
Milville

Commitment for Title Insurance

Commitment Number: **00051844 NW**

Issued By Old Republic National Title Insurance Company

Old Republic National Title Insurance Company, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Continued on back page

Issued through the Office of

Cache Title Company, Inc.
65 West 100 North
Logan, UT 84321

Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401 (612) 371-1111

By _____ President

Attest _____ Secretary

ORT Form 4308
ALTA Commitment for Title Insurance 6/06

Schedule A

File No. **00051844 MS**

1. Effective date: **April 5, 2016 at 8:00 am**

2. Policy or Policies to be issued: Amount

   a. ALTA Owner's Policy (6-17-06) **$ 849,000.00**
   Premium **$ 2,783.00**

   Proposed Insured:
   Athenian Acquisitions LLC

   b. ALTA Loan Policy (6-17-06) **$ tbd**
   Proposed Insured:
   Cache Valley Bank, ISAOA

3. The estate or interest in the land described or referred to in this Commitment is **Fee Simple.**

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

   LeGrand S. Mathews Trust (Providence Parcel)
   LaGrand S. Mathews Revocable Family Trust, LaGrand S. Mathews Trustee *(0033)*
   LaGrand S. Mathews Revocable Family Trust, LaGrand S. Mathews Trustee *(0034)*

5. The land referred to in this Commitment is described as follows:

   See continuation of Schedule A for Legal Description

   For informational purposes only:
   Millville, UT 84326

Countersigned:
CACHE TITLE COMPANY, INC.

By: _____
Authorized Officer or Agent

Schedule A

(continued)

File No. **00051844 MS**

LEGAL DESCRIPTION

All that certain lot or parcel of land situate in the **County of Cache**, State of Utah, and being more particularly described as follows:

Beginning at the East Quarter corner of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence West to East line of canal; thence Southerly along East line of canal to a point 819 feet South and 113 rods West of beginning; thence East 1514.5 feet; thence North 152.08 feet; thence West 79 feet; thence North 204.92 feet; thence West 231 feet; thence North 132 feet; thence East 660 feet; thence North 336 feet to beginning.

ALSO: Beginning on the West bank of canal 47 rods East and 50 rods South of the Northwest corner of the Southeast Quarter of said Section 15 and thence East 1514.5 feet; thence South 13 rods; thence West 407.2 feet; thence North 136 feet; thence North 89°57'57" West 180.1 feet; thence South 136 feet; thence West to the West bank of canal; thence North along West bank of canal to beginning.

LESS: The Shire Subdivision, Phase 1.

LESS: The Shire Subdivision Phase 2.

LESS: The Shire Subdivision Phase 3.

ALSO: Beginning at the Southwest corner Henry's Bench Subdivision Phase 1, being North 90° East 19.26 feet and North 0° East 2739.43 feet from the Southwest corner of (the Northwest Quarter) of Section 14, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence North 0°36'21" East 22.25 feet along the West line of subdivision; thence South 88°52'13" East 18.45 feet; thence South 0°36'21" West 22.25 feet to the South line of said subdivision; thence North 88°52'13" West 18.45 feet to beginning.

Tax Parcel No. 02-129-0033

Beginning at the East Quarter corner of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence West to the East line of canal; thence Southerly along East line of canal to a point 819 feet South and 113 rods West of beginning; thence East 1514.5 feet to the true point of beginning; thence North 152.08 feet; thence East 350 feet; thence South 152.08 feet; thence South 13 rods; thence West 350 feet; thence North 13 rods to the true point of beginning.

Tax Parcel No. 02-129-0034

SUBJECT TO and TOGETHER WITH: a 40 foot right of way the centerline described as follows: Located in the Southeast Quarter of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Beginning at a point in the East right of way line of Main Street in Millville, Cache County, Utah, said point being North 343.00 feet from the West Quarter corner of the Southeast Quarter of said Section 15 and running thence East 815.5 feet, more or less to a point East 20 feet from the East bank of the Millville-Providence Canal; thence North 57°30' East 237.00 feet; thence East 1215.50 feet; thence North 514.00 feet to the North line of property.

Schedule A
(continued)

File No. **00051844 MS**

Together with a water line easement being 20 feet in width, the center line of which is described as follows: Part of the Southeast Quarter of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, described as follows:

Beginning at a point 620.5 feet East of the East right of way line of Main Street in Millville, Utah, said point being North 343 feet from the West Quarter corner of the Southeast Quarter of said Section 15, and running thence South 69 feet to said well.

Schedule B–I

File No. **00051844 MS**

Requirements:

1. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.
2. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
3. **WARRANTY DEED** from LaGrand S. Mathews Revocable Family Trust to Athenian Acquisitions, LLC.

Schedule B-II

File No. **00051844 MS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. **Taxes or Assessments.** Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessment on real property or by the public records.
3. **Parties in Possession.** Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession, or claiming to be in possession, thereof
4. **Easements.** Easements, liens, encumbrances, or claims of easements, liens or encumbrances which are not shown by the public records.
5. **Survey Matters.** Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
6. **Patent and Water Rights.** (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights including, but not limited to, easements or equitable servitudes; (d) water rights, claims to water or water rights, whether or not the matters excepted in (a), (b), (c), or (d) are shown by the public records.
7. **Mechanics' Liens.** Any liens, or right to a lien, for services, labor or materials theretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: Exceptions 1-7 listed above will be eliminated from the ALTA LOAN Policy.

8. **TAXES** for the year 2016 which are liens not yet due but payable. Tax Serial No. 02-129-0033. **NOTE**: Taxes for the year 2015 have been paid in the amount of $76.36
9. **TAXES** for the year 2016 which are liens not yet due but payable. Tax Serial No. 02-129-0034. **NOTE**: Taxes for the year 2015 have been paid in the amount of $14.65
10. This property is located within the boundaries of **PROVIDENCE CITY AND MILLVILLE CITY WITH MILLVILLE CEMETERY MAINTENANCE DISTRICT** and is subject to all charges and assessments levied thereby.
11. Subject to any and all rights of way for any roads, ditches fences, canals, or transmission lines now existing over, under or across said property.
12. Subject to the affects of that portion of 0033 that lies within the Henry's Bench Subdivision, Phase 2.
13. Subject to a **RIGHT-OF-WAY EASEMENT**, granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., recorded January 2, 1919, as Entry No. 83295, in Misc. Book 8, at Page 250, records of Cache County, Utah.

Schedule B-II

(continued)

File No. **00051844 MS**

14. Subject to a **RIGHT-OF-WAY EASEMENT**, granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A COLORADO CORPORATION, recorded October 9, 1973, as Entry No. 375321, in Book 159, at Page 228, records of Cache County, Utah.
15. Subject to a **CONVEYANCE OF EASEMENT**, granted by THE SPRING CREEK WATER COMPANY, A UTAH CORPORATION to THE STATE OF UTAH, ACTING THROUGH THE UTAH WATER AND POWER BOARD, recorded February 16, 1961, as Entry No. 307174, in Book 51, at Page 132, records of Cache County, Utah.
16. Subject to an **AGREEMENT** by and between THE STATE OF UTAH, ACTING THROUGH THE UTAH WATER AND POWER BOARD and PROVIDENCE-MILLVILLE WATER USERS ASSOCIATION, recorded December 16, 1963 as Entry No. 325091, in Book 79, at Page 147, records of Cache County, Utah.
17. Subject to an **AGREEMENT** by and between THE STATE OF UTAH, ACTING THROUGH THE UTAH WATER AND POWER BOARD and NIBLEY-BLACKSMITH FORK IRRIGATION COMPANY, recorded September 21, 1966 as Entry No. 341482, in Book 101, at Page 562, records of Cache County, Utah.
18. Subject to an **EASEMENT TO USE WATER DISTRIBUTION SYSTEM**, granted by NIBLEY-BLACKSMITH FORK IRRIGATIONN COMPANY to THE STATE OF UTAH, ACTING THROUGH THE UTAH WATER AND POWER BOARD, recorded September 21, 1966, as Entry No. 341485, in Book 101, at Page 569, records of Cache County, Utah.
19. Subject to a **WARRANTY DEED RIGHT-OF-WAY**, granted by LA GRANDE MATHEWS AND ZELTHA H. MATHEWS, HUSBAND AND WIFE to ARDELL E. MATHEWS AND PAULA R. MATHEWS, HUSBAND AND WIFE, AS JOINT TENANTS AND NOT AS TENANTS IN COMMON, WITH FULL RIGHTS OF SURVIVORSHIP, recorded March 8, 1973, as Entry No. 371738, in Book 152, at Page 810, records of Cache County, Utah.
20. Subject to a **QUIT CLAIM DEED RIGHT-OF-WAY**, granted by LEGRANDE MATHEWS to MARK L. THEURER AND JULIA T. CHRISTENSEN, recorded October 21, 1983, as Entry No. 463874, in Book 324, at Page 488, records of Cache County, Utah.
21. Subject to the terms and conditions of that certain **Farmland Assessment Act Application GREENBELT AMENDMENT**, recorded by LEGRAND S. MATHEWS, TRUSTEE, recorded on October 17, 2000, as Entry No. 747048, in Book 967, at Page 999, records of Cache County, Utah. *(0034)*
22. Subject to a **TEMPORARY EASEMENT**, granted by LEGRAND S. MATHEWS to MILLVILLE CITY, recorded November 6, 2001, as Entry No. 773692, in Book 1052, at Page 762, records of Cache County, Utah. *(0034)*
23. Subject to a **QUIT CLAIM DEED RIGHT OF WAY**, granted by THEURER LAND COMPANY, LC to LAGRAND S. MATHEWS FAMILY REVOCABLE TRUST, LAGRAND S. MATHEWS, TRUSTEE, recorded September 24, 2003, as Entry No. 840829, in Book 1261, at Page 1912, records of Cache County, Utah.
24. Subject to a **SEWER EASEMENT**, granted by LAGRAND S. MATHEWS REVOCABLE FAMILY TRUST, LAGRAND S. MATHEWS, TRUSTEE to PROVIDENCE CITY CORPORATION, recorded July 4, 2004, as Entry No. 866138, in Book 1307, at Page 332, records of Cache County, Utah.
25. Subject to the terms and conditions of that certain **Farmland Assessment Act Application GREENBELT AMENDMENT**, recorded by LAGRAND S. MATHEWS, TRUSTEE, recorded on November 21, 2005, as Entry No. 904890, in Book 1382, at Page 1775, records of Cache County, Utah.

Schedule B-II

(continued)

File No. **00051844 MS**

The name(s) **LaGrand S. Mathews Revocable Family Trust and Athenian Acquisitions LLC** has/have been checked for judgments, State and Federal tax liens, and bankruptcies and if any were found are disclosed herein.

For informational purposes only, a Chain of Title is provided:

According to Official Records, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment, except as follows:

NONE

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowl- edge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.
   You may review a copy of the arbitration rules at: http://www.alta.org/.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

400 Second Avenue South
Minneapolis, Minnesota 55401
(612) 371-1111

PRIVACY POLICY NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic National Title Insurance Company

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have Joint Marketing Agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

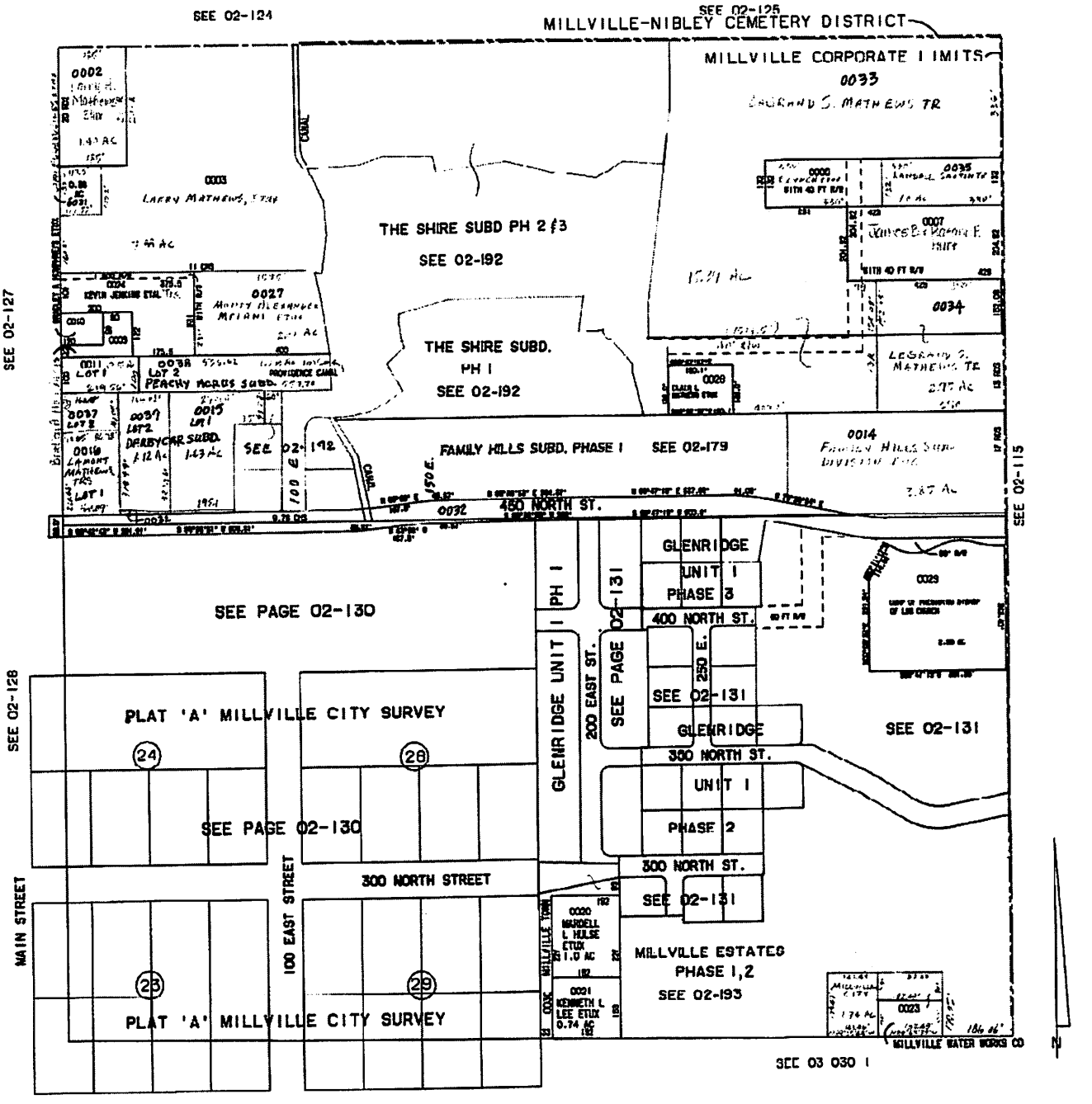
We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

SE/4 SEC 15 TWP 11 NORTH RANGE 1 EAST

02-128

Scale 1" = 200 Feet

TAX UNIT 07

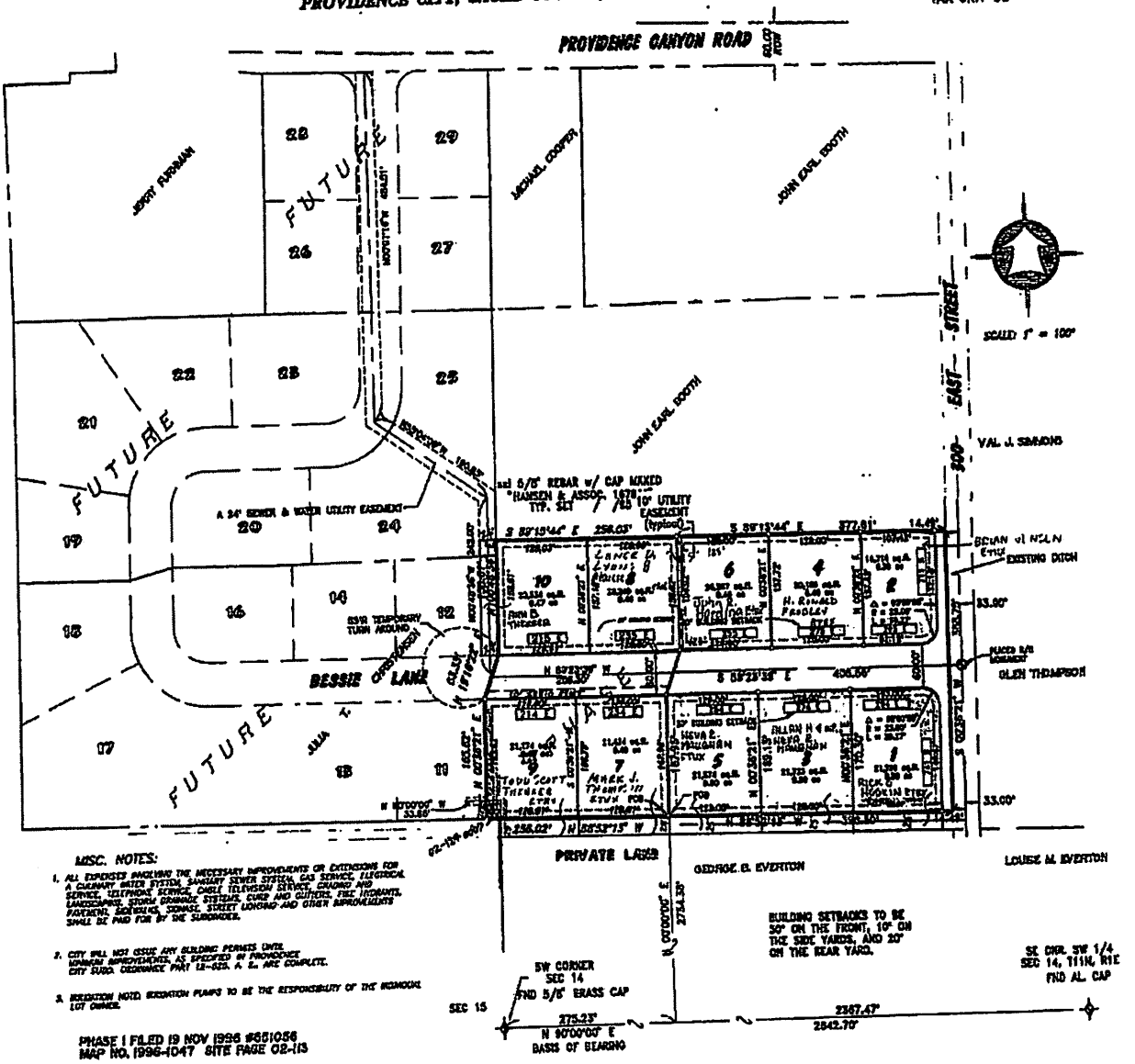


HENRY'S BENCH SUBDIVISION

PART OF SEC.14 T.11N., R.1E., S.L.B.&M
PROVIDENCE CITY, CACHE COUNTY, UTAH

02-147

TAX UNIT 09



MISC. NOTES:

1. ALL EXPENSES INVOLVING THE NECESSARY IMPROVEMENTS OR EXTENSIONS FOR A CULINARY WATER SYSTEM, SANITARY SEWER SYSTEM, GAS SERVICE, ELECTRICAL SERVICE, TELEPHONE SERVICE, CABLE TELEVISION SERVICE, GRADING AND LANDSCAPING, STORM DRAINAGE SYSTEMS, CURB AND GUTTERS, FIRE HYDRANTS, PAVEMENT, SIDEWALKS, SIGNAGE, STREET LIGHTING AND OTHER IMPROVEMENTS SHALL BE PAID FOR BY THE SUBDIVIDER.

2. CITY WILL NOT ISSUE ANY BUILDING PERMITS UNTIL VARIOUS IMPROVEMENTS, AS SPECIFIED IN PROVIDENCE CITY SUBD. ORDINANCE PART 12-503. A. L. ARE COMPLETE.

3. RETENTION NOTE: RETENTION PUMPS TO BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER.

PHASE I FILED 19 NOV 1996 #651056
MAP NO. 1996-1047 SITE PAGE 02-113

PHASE 2 FILED 19 NOV 1996
FILING NO. 651057 MAP NO. 1996-1048
SITE PAGE 02-113

PARCEL NO.-02-147-LOT NO.
SEE COUNTY DATABASE FOR CURRENT OWNER

400ft

1,551,858.288 3,776,725.566 Feet