

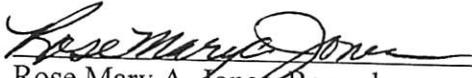
## NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled council meeting on Thursday, July 14, 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 Michael Callahan.
3. Approval of agenda and time allocation.
4. Approval of minutes of the previous meeting – June 23, 2016.
5. Action Items—
  - A. Report on P & Z Meeting held July 7, 2016 – Councilmember Michael Callahan - 7:03 p.m.
  - B. Consideration of a Request for an Eagle Scout Project Installing a Sign at the corner of 550 North and Highway 165 – Seth Duffin – 7:05 p.m.
  - C. Report from Cache County Sheriff's Department – Deputy Dave Peatross – 7:15 p.m.
  - D. Review of Proposed Sewer Ordinance / Set Public Hearing – Mayor Michael Johnson – 7:20 p.m.
  - E. 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. Councilmember Reports.
  - C. 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 July 11, 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 July 11, 2016.

  
Rose Mary A. Jones, Recorder

**MILLVILLE CITY COUNCIL MEETING**  
**City Hall – 510 East 300 South – Millville, Utah**  
**June 23, 2016**

**PRESENT:** Michael Johnson, Michael Callahan, Cindy Cummings, Julianne Duffin, Mark Williams, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Zan Murray, Kade Ferrin, Keith DeHart, Hayden Workman, Roger Roundy, Harry Meadows, MacKay Moore, Rachel and Peter Jeppson, Austin Jackson, Braxton Jackson, Chad Kendrick, Conner Woolley, Packer Anderson, Donny Anderson, Joseph Cantwell

**Call to Order/Roll Call**

Mayor Michael Johnson called the City Council Meeting to order for June 23, 2016 at 7 p.m. The roll call indicated Mayor Michael Johnson and Councilmembers Michael Callahan, Cindy Cummings, Julianne Duffin, and Ryan Zollinger were in attendance with Councilmember Williams absent. Also Recorder Rose Mary Jones and Treasurer Tara Hobbs were present.

**Opening Remarks/Pledge of Allegiance**

Mayor Johnson welcomed all to the Council Meeting and then led all present in the pledge of allegiance.

**Approval of agenda and time allocations**

The agenda for the City Council Meeting of June 23, 2016 was reviewed. **Councilmember Zollinger moved to approve the agenda for June 23, 2016 with the modification of adding the Planning Commission meeting minutes for June 22, 2016.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams 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 June 9, 2016. **Councilmember Cummings moved to approve the minutes for June 9, 2016.** Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, and Zollinger voted yes with Councilmember Williams absent. (A copy of the minutes is included as Attachment "B".)

**Report on P & Z Meetings held June 16 and June 22, 2016**

Mayor Johnson reported the Planning Commission had held two meetings on June 16, 2016 and June 22, 2016. He explained that building has started in Phase 2 of the Mond-Aire Subdivision. (A copy of the draft minutes are included as Attachment "C".)

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

**Consideration of Conditional Use Permit for a Residential Assisted Living Facility located at approximately 305 East 450 North/Set Public Hearing**

Roger Roundy requested that a conditional use permit be granted for a Residential Assisted Living Facility to be located at approximately 308 East 450 North. The actual address for the proposed building would be approximately 285 East 450 North, as it would be west of the 300 East road.

There were several points discussed as follows:

- This is basically the same application that was submitted last fall.
- The building is proposed to be about 9,600 square feet.
- Concern for the slope and drainage.
- Mr. Roundy wanted the conditional use to be approved before going through the subdivision process.
- Another building could possibly be built to the east of the roadway.
- Discussion about this being a facility with two structures versus just two buildings.
- The buildings would be on different lots with different parcel identification numbers.
- The Planning Commission had previously given the recommendation to the Council to proceed with the conditional use for this request.
- In ordinance 17.52, there was discussion about this as a conditional use permit.
- This would still need to conform to the Master Plan, correct zoning for the building, and would need to be advantageous to the health and well-being of the community.
- A conditional use would require a public hearing.
- The Council would like to have information available for the public to see what is being proposed.
- There was concern expressed about the size of the building.
- The parking required would be outlined by state requirements.
- The state has strict guidelines regulating the facility with health codes that must be met.
- If there was a concern over the size of the facility, Mr. Roundy indicated they may consider only one building instead of two.
- Concern about whether it would have full occupancy and what would happen to the building if it didn't.

- Mr. Roundy indicated they would lose money if it wasn't fully occupied.
- Concern for what would happen in the neighborhood if this did not remain in business; the building could be sold as a home.
- Conditional use could be revoked if the conditions were not followed.
- The lot for this building is about .7 acre.
- Consideration for making this a smaller facility with fewer beds.
- Mr. Roundy did not want to decrease the size; it would not make it worth it to him if this was required.
- Ordinance 17.64.070 was reviewed stating the requirements for a conditional use permit.
- The Council requested a site plan drawn to scale showing the proposed building, fences, landscaping, parking and loading areas, and other information deemed necessary.
- A question about the stormwater retention; this will need to be addressed.
- Mr. Roundy felt this would be an asset to the community and felt there is a need for this on the south end of the valley.
- There was discussion about setting a public hearing and what information should be sent to those within 600 feet of this parcel.
- The Council requested the exterior of the building to be drawn with placement on the parcel, showing the parking, etc.
- The information to be provided would need to be given to Recorder Jones by July 8 in order to have it in the packets for the Council's review at the next meeting.
- Mr. Roundy explained if the conditional use for this facility could be obtained, he would then go through the subdivision process with the property.

**Councilmember Cummings moved to continue this item to the next meeting.** Councilmember Zollinger seconded. Councilmember Callahan expressed his feeling that there will be more and more people in our area that will need this type of facility and felt the City will have this need, and it is worth consideration. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes. (A copy of the information presented to the Council is included with the minutes as Attachment "D".)

#### **Resolution for Mayor Pro-Tem for Fiscal Year 2017**

Mayor Johnson reviewed with the Council the Resolution for Mayor Pro-Tem for Fiscal Year 2017. Councilmember Ryan Zollinger was selected to fulfill this position.

**Councilmember Cummings moved to adopt Resolution 2016 Appointing a Mayor Pro-Tem.** Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes. (A copy of the Resolution is included with the minutes as Attachment "E".)

**Consideration for Accepting a Proposal for an Emergency Notification System**

Councilmember Callahan reviewed with the Council information from Regroup, a proposal for an Emergency Notification System. The cost for this is \$3,500 and was included in the budget for the upcoming year. A power-point presentation explained several of the features for this system. The packet of information also included a geo-mapping tool that would allow for segments of the community to be notified of concerns or events in their area. There was discussion about the data base and what would be required. This system provides for almost instantaneous delivery of information throughout the community. There is unlimited training and maintenance available with the cost of the service. There was discussion on the implementation of this what would be required from the City staff. (A copy of the information is included with the minutes as Attachment "F".)

**Councilmember Callahan moved to sign the Acceptance and Authorization to be effective July 1, 2016 with Regroup Mass Notification System for one year.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes. Councilmember Callahan will follow up on this to find out what is necessary to have this started after July 1.

**Review of Proposed Sewer Ordinance / Set Public Hearing**

Mayor Johnson reviewed the sewer ordinance information that had been provided to the Council. (A copy of this information is included with the minutes as Attachment "G".)

The following changes or corrections were made:

- From the current code, Chapter 13.20.10 and 13.20.20 are to be repealed.
- The numbering of the ordinance subtitles will begin with 13.20.10.
- In Section 13.20.033 (A) remove: "under the provisions of subsection 8-2-2C of this chapter, and the building owner chooses to not connect to the sanitary sewer system."
- 13.20.034 (C) changed to read "Connection Requirement:" with number 1 being removed from the context.
- In 13.20.034 (L), the number 1 should be removed.
- In Section 13.20.038, Section 1-4-1 is to be changed to 1.16.030

**Councilmember Cummings moved to continue this to the next meeting.** Councilmember Williams seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

**Consideration for Development Coordinator Position**

Mayor Johnson indicated he had been in contact with Harry Meadows regarding the Development Coordinator Position. Mr. Meadows would be willing to work for the City in this capacity and would also be willing to pick up the duties of the City Newsletter, Dog

Licensing, and Park Reservations that has been done by Secretary Stephanie Eggleston. He would be willing to work at the City Office on Tuesdays and Thursdays and also be available to take phone calls as needed. There was discussion about having him take over approval of the building clearance forms instead of having the applicants meet with the Planning Commission. All subdivisions, sign permits, and dedication of property would still need to be approved through the Planning Commission. The Mayor felt this would work; however, he was not sure he would be able to guarantee and justify all of the hours.

Mr. Meadows was aware of this. Mr. Meadows indicated his plan would be to resign from his other employment and just do this job. The consensus of the Council was to go ahead with this plan.

**Bills to be paid**

The bills were presented. They are as follows:

Mike Johnson	50.00	Water
Questar	35.31	NorthPark/Building
Staples	199.99	Water
Rocky Mountain Power	1,175.70	Street lights
ACN Communications	16.59	Water
Comcast	75.88	Building
Maverik	837.22	Water
Olson & Hoggan	195.00	Legal
Utah Local Governments Trust	319.87	Water
CenturyLink	186.01	Water
Bear River Health Department	40.00	Water
Brittany Wall	41.16	MissMillville
CNH Capital	20.22	Road
Kilgore	485.00	Class "C" Road
Petty Cash	39.83	General
Bridgerland Cache Animal Hospital	152.30	Animal Control
Cache Metropolitan Planning Organization	237.00	General
T J Alles	2,000.00	Construction Deposit
Nervig Olaf	200.00	Construction Deposit
Crystal Marie Jensen	75.00	Water
Julianne Duffin	56.75	City Celebration
Jason Low	93.87	City Celebration
Meagan Hadfield	79.26	City Celebration
Kevin Allen	143.84	City Celebration
Cindy Cummings	805.82	City Celebration
USU Catering	162.23	City Celebration
Cache County Service Area	10,487.60	Sanitation
Cache County Service Area	1,725.00	9-1-1

BILLS (Continued)--

Cache County Service Area	10.00	City Celebration
Logan City	747.74	Storm Water
Salary Register	9,412.09	

**Councilmember Williams moved to pay the bills for June 23, 2016.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes.

**Review of the Stormwater Permit Update**

Engineer Zan Murray discussed with the Council an update on the stormwater permit which is to be submitted to the state by July 1. He explained that the City's goals are being updated to improve the quality of stormwater. Additional retention ponds are being required to hold the water onsite rather than put it in a pipe and send it somewhere else. Millville has quite a low impact with development; most of the water can infiltrate onsite. There are several new training requirements in six different areas that will be addressed. All of the staff will need to be trained in these areas. The revisions to the SWPPP are to be put on the website. Sediment is to be tracked on the roadways; this is already being implemented with the CopperLeaf Subdivision.

Additional outreach programs will be addressed in the areas of residential, business and institutional, construction and development, and MS4 facility (our City shop). All of these items are included in the revised plan.

There are three pollutants that are being tracked: phosphorus, nitrogen, and sediment.

There will need to be some ordinance revisions to comply with the standards and specifications for the City. Development Coordinator Meadows will be able to become involved with the many inspections as there is a lot of development occurring.

The Stormwater Trailer from Logan City had been borrowed and was used at our recent City Celebration. This created a lot of interest from various individuals and provided education to our residents.

Engineer Murray also reported on the **Intercity Wastewater Agreement with Nibley City**. As City Manager David Zook will be out of town for some time, Engineer Murray had met with him regarding this agreement. Nibley City is awaiting the final numbers of the rate study being completed by Logan City; this will help their Council to determine if they are going to continue with Logan City for sewage treatment or whether they would look at somewhere else. This study is to be completed within the next couple of weeks. It

was their decision to just let this ride until the Nibley Council has determined what direction they will take.

Mayor Johnson also indicated he had spoken with Mayor Dustin and wanted clarification on the agreement as to what Millville City would be requesting. They also discussed the Ridgeline High School Homecoming Parade; this is scheduled to go through Millville continuing into Providence.

Recorder Jones had received the Cache County School District Interlocal Agreement as signed by our Attorney. However, there are several items that were suggested to be included with the agreement. Engineer Murray will follow up in getting this completed.

The CCSD should receive their Conditional Use Permit at the completion of the process.

Engineer Murray also updated the Council on the date set for the school's ribbon cutting; it is planned for August 9. At that time, the 300 West road and the 100 North road will be opened.

Engineer Murray had a meeting with the contractors going over a punch list of items still to be addressed. The signal light on Highway 165 is scheduled to start on August 11.

The CenturyLink permit was completed through the County after an expedited process and a lot of work. Engineer Murray is hoping that they will be onsite to start Monday.

The 450/550 North Road final grading will soon be completed; then the pit run and road base will be brought in. This is scheduled for about two weeks out. The curb and gutter will then be installed and the sidewalk along the Tibbitts property also. The roundabout on Main Street is scheduled to begin between mid-August and the first part of September. Notifications of closures will be made. The 550 North Road should be operational as well as the roads near the school before school starts, which will offer detour options.

Councilmember Williams questioned if all of the cement around the school track had to be torn out because rebar was not put in it. Other Councilmembers had also heard about this.

Landscaping around the school is scheduled for November. All of the asphalt on this side of the bridge and the bridge will be completed by the end of June. The teachers will be moving in the first part of August. There will be one dedication plat to Millville and one to Nibley for all of the items to be turned over to the respective cities.

The street light on 550 North and 300 West is being installed. This will be completed in the next fiscal year. There is an extra light purchased by the school district that will be stored by the City.

### **Councilmember Reports**

(A copy of the Councilmember Reports list is included with the minutes as Attachment "H".)

Councilmember Cummings reported on Old Mill Days. There were approximately 700 people that attended the event. The rodeo was a big draw and very successful. The food being catered by USU Catering was very good.

The Council discussed combining the Night Out Against Crime with the City Celebration and questioned if it had been successful; the consensus of the Council was this was good.

Because of the weather, there were some scheduled attractions that were not able to be present. There was discussion about having some other event during the summer i.e. as a movie or music in the park.

Councilmember Callahan explained he was having difficulty getting anyone to participate in the Community Fair Booth. It was suggested that perhaps something from Ridgeline High School could be used, with possible volunteers from the high school.

There was a concern about dogs that are on the splash pad or in the area. It was suggested that animal control be called if the animals are seen.

Councilmember Williams reported he pulled the City float in the Nibley Heritage Day parade last Saturday. The float will be entered in the 4<sup>th</sup> of July Parade, the River Heights parade, the 24<sup>th</sup> of July parade in Logan, the Ridgeline Homecoming Parade, and possibly others.

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

Councilmember Duffin requested having Seth Duffin make a presentation to the Council at the next meeting on his proposed Eagle Scout Project for an entrance sign into the City.

Treasurer Hobbs reported there is a MS bike ride that will be coming into Millville and stopping at the City Park on Sunday.

She also requested signage for speed along 550 East because of all of the traffic going into the canyon. The Council felt the Sheriff's Department should be notified to monitor this.

**Adjournment**

**Councilmember Duffin moved to adjourn the meeting.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Duffin, Williams, and Zollinger voted yes. The meeting adjourned at 9:40 p.m.

DRAFT

## ***MILLVILLE PLANNING COMMISSION MEETING***

**City Hall - 510 East 300 South - Millville, Utah**

**July 7, 2016**

### **1. Roll Call:**

Chairman Jim Hart, Commissioners Lynette Dickey, Bonnie Farmer, Garrett Greenhalgh, Rachel Thompson, Natalie Smith (Alt.), and Larry Lewis (Alt.)

### **Others Present:**

Development Coordinator Harry Meadows, Treasurer Tara Hobbs, Councilmember Michael Callahan, and Eric Kleven. Secretary Adria Davis recorded the minutes.

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

Chairman Hart opened the meeting at 8:01 p.m.

Commissioner Dickey welcomed back Harry Meadows as the Development Coordinator and all expressed gratitude for the great job that he does for the city.

Chairman Hart led those present in the Pledge of Allegiance.

### **3. Review and Approval of agenda**

The agenda for the Planning Commission meeting of July 7, 2016 was reviewed. A motion was made by Commissioner Farmer to approve the agenda as presented. Commissioner Smith (Alt.) seconded. All voted in favor.

### **4. Review and Approval of the Minutes of the Planning Commission Meeting**

The minutes for the meeting of June 22, 2016 were reviewed. A motion was made by Commissioner Dickey to approve the minutes as outlined. Commissioner Lewis (Alt.) seconded. All voted in favor.

### **5.A. Consideration of zoning clearance for a building permit by Eric and Rachel Kleven, for a residence to be located at 191 East Center Street in Millville, Ut**

The home will be on the corner of Center Street and 200 East with the frontage on 200 East. As per a prior agreement put in place when the land was originally subdivided, the property owner would be responsible for half of the road. As such, .22 acres are being deeded to the city for the road. Upon review of the setbacks it was determined that there was not enough room for the home in its current placement. Eric would need to have the plans redrawn shifting the home to the northwest to allow for the city's setbacks.

The application was placed on hold until Mr. Kleven could provide a new drawing for review.

Commissioner Greenhalgh expressed that he had a personal interest in the next three building permits.

### **5.B. Consideration of zoning clearance for a building permit by Visionary Homes, for a residence to be located at 449 East 100 North, lot #24 Mond-Aire Heights Subdivision in Millville, Ut.**

This home is being built for the Craig family.

Commissioner Thompson made a motion to approve the permit. Commissioner Dickey seconded. Commissioners Hart, Dickey, Farmer, Thompson, Smith (Alt.), and Lewis (Alt.) voted yes. Commissioner Greenhalgh abstained from the vote.

**5.C. Consideration of zoning clearance for a building permit by Visionary Homes, for a residence to be located at 131 North 480 East, lot #22 Mond-Aire Heights Subdivision in Millville, Ut.**

This home is being built as a spec home. It will be a two story home.

Commissioner Lewis (Alt.) made a motion to approve the permit. Commissioner Smith (Alt.) seconded. Commissioners Hart, Dickey, Farmer, Thompson, Smith (Alt.), and Lewis (Alt.) voted yes. Commissioner Greenhalgh abstained from the vote.

**5.D. Consideration of zoning clearance for a building permit by Visionary Homes, for a residence to be located at 170 North 480 East, lot #29 Mond-Aire Heights Subdivision in Millville, Ut.**

This home is being built for the Anderson family.

Commissioner Farmer made a motion to approve the permit. Commissioner Thompson seconded. Commissioners Hart, Dickey, Farmer, Thompson, Smith (Alt.), and Lewis (Alt.) voted yes. Commissioner Greenhalgh abstained from the vote.

**6.A. City Council Reports – review minutes from June 23, 2016 meeting.**

Councilman Callahan reviewed the council's discussion of the assisted living facility. The council wanted to see more details of the drawings before proceeding.

A question was raised about the sewer. Councilman Callahan explained that this was being discussed because the school and seminary would be connecting into the sewer line.

**6.B. Agenda Items for Next Meeting**

Building permits

Ordinance on Elderly facilities

**6.C. Other**

Chairman Hart presented the idea that other cities have a clerk issue their building permits. Do we want to have just one person handle everything?

The commission discussed the pros and cons of both options but could not come to a consensus. Also discussed was the need for building permits on a home remodel as the city doesn't currently regulate that.

The ULCT will be holding a convention in SLC this coming Sept 14-16, 2016.

**7. Calendaring of future Planning and Zoning Meeting**

The next regularly scheduled meeting will be held Thursday, July 21, 2016.

**8. Assignment of Representative for City Council Meeting**

Michael Callahan was appointed to represent the commission at the next council meeting.

**9. Adjournment**

Chairman Hart moved to adjourn the meeting at 9:18 p.m. Commissioner Lewis (Alt.) seconded.

**SEWER SERVICE SYSTEM  
2016-3**

**AN ORDINANCE TO ESTABLISH A SEWER SERVICE SYSTEM  
WITHIN MILLVILLE CITY**

**WHEREAS**, Millville City has been on septic system for waste water disposal for many years included in the current City Ordinance as Chapter 13.20; and

**WHEREAS**, Millville City joined with Nibley City in 2000 when Nibley City went to full construction for their sewer system; and

**WHEREAS**, Millville City upgraded the sewer line capacity in the Nibley City system to allow use of this system when full construction of the Millville City sewer would take place; and

**WHEREAS**, the Cache County School District purchased property on the west part of Millville City to build a high school in 2013; and

**WHEREAS**, the Ridgeline High School is built and scheduled for occupancy in August, 2016; and

**WHEREAS**, there was a need to have the high school be connected to the Nibley City sewer system; and

**WHEREAS**, an Interlocal Agreement between Millville City and Nibley City allows for this service; and

**WHEREAS**, additional requirements are to be included in the Millville City Ordinances;

**NOW, THEREFORE**, the Millville City Council, after giving notice of the required public hearing on \_\_\_\_\_, 2016, and holding the required public hearing on \_\_\_\_\_, 2016, hereby adopts, passes and publishes the following:

**REPEAL:** Ordinance 13.20.010: Individual Wastewater (Sewage) Disposal Code Adopted, and 13.20.020: Small Underground Wastewater Disposal System Code Adopted.

**ADOPT:**

**13-20.010 Wastewater (Sewage) System Policy (Effective west of 100 West)**

**SECTION:**

13-20.010 Definitions

13-20.020 Use Of Public Sewers

13-20.030 Private Wastewater Disposal

13-20.040 Sanitary And Building Sewers And Connections; Rates

13-20.050 Annual Review

13-20.060 Use Regulations

13-20.070 Powers And Authority Of Inspectors

13-20.080 Penalty

**13-20.010 Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**ACTIVE SANITARY SEWER:** Any sanitary sewer pipe that is connected to the existing collection system outfall to a wastewater treatment works through any combination of pipes, manholes, pump stations, force mains or other system components is considered active. When any inactive sewer components are connected to the active sewer system, that portion of the sewer is then considered active.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C) expressed in milligrams per liter.

**BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

**CESSPOOL:** An underground reservoir for liquid waste (as household sewage).

**CITY:** Millville City, Cache County, Utah.

**EASEMENT:** An acquired legal right for the specific use of land owned by others.

**FLOATABLE OIL:** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free

of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE:** All waste resulting from residences, commercial trades or businesses and institutions. Commercial and industrial waste shall be distinct from domestic or household sanitary systems.

**GOVERNING BODY:** The mayor and council members of Millville City.

**INACTIVE SEWER:** Sewer pipes that have been installed as part of a development project for future use, which are not connected to the outfall through other collection system components are considered inactive sewers. When any inactive sewer components are connected to the active sewer system, that portion of the sewer is then considered active.

**INDUSTRIAL WASTE:** The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

**MAY:** Permissive. See definition of Shall.

**NATURAL OUTLET:** Any outlet, into a watercourse pond, ditch, lake or other body of surface or ground water.

**PERSON:** Any individual, firm, company, association, society, corporation or group.

**pH:** The logarithm of the reciprocal of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogen ion concentration of  $10^{-7}$ .

**PRETREATMENT:** Treatment of wastewater flows for removal of harmful chemicals or substances or alteration of the wastewater flow characteristics prior to entering the public wastewater facilities to prevent damage to the wastewater facilities.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

**PUBLIC SEWER:** A common sewer controlled by a governmental agency or public utility.

**RESIDENTIAL EQUIVALENT:** A structure, building or unit discharging effluent into the system placing no more burden or discharging no more effluent than "residential flows", as defined hereinafter.

**RESIDENTIAL FLOWS:** The assumed average and/or standard flow expected from a single-family dwelling based on wintertime culinary water usage. A residential flow volume strength is 250 mg/l TSS (total suspended solids, see definition of Suspended Solids) and 200 mg/l BOD (biochemical oxygen demand, see definition of Biochemical Oxygen Demand (BOD)).

**SANITARY SEWER:** A sewer designed to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**SEPTIC TANK:** A tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

**SEWAGE:** The spent water of a community. The preferred term is "wastewater", as defined herein.

**SEWER:** A pipe or conduit designed to carry wastewater or drainage water.

**SHALL:** Mandatory. See definition of May.

**SLUG:** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STATE:** State of Utah

**STORM DRAIN (Sometimes Termed STORM SEWER):** A drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

**SUPERINTENDENT:** The superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of Millville City, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS:** Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "standard methods for the examination of water and wastewater" and referred to as non-filterable residue.

**SYSTEM:** The sewer or wastewater facilities of the City.

**UNPOLLUTED WATER:** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**WASTEWATER:** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

**WASTEWATER FACILITIES:** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

**WATERCOURSE:** A natural or artificial channel for the passage of water, either continuously or intermittently.

### **13-20.020 Use Of Public Sewers**

- A. Deposits: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human excrement, garbage or other objectionable waste.
- B. Discharges: It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Sewer Main and Lateral Maintenance: Unless provision is expressly made for the ownership of sewer mains by means of a written agreement, all sewer mains shall be deemed to be the property of the City of Millville and subject to its absolute control and supervision even though actual installation may have been performed by a developer or other property owner. The property owner shall be responsible for:
  - 1. Maintenance of all connecting lines or laterals running from the main line to the point of connection at the facility served by such connecting line.
  - 2. Any physical or piping failures along the connecting lines or laterals.
  - 3. All blockages or similar impediments of the waste water flows for the entire length of the lateral line from the main line to the facility being served. The city of Millville accepts no liability nor responsibility for any blockage in the lateral line whether it is under public property or private property.

### **13-20.030 Private Wastewater Disposal**

- A. Permitted: Where an existing active sanitary sewer is not available at the time a building is constructed, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. Permit; Fee: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the governmental entity with jurisdiction. The application for such permit shall be made on a form furnished by the appropriate governmental entity, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary. A permit and inspection fee shall be paid as required at the time the application is filed.
- C. Compliance; Inspection: Permission to use the system for a private wastewater disposal system shall not become authorized until the installation is completed in compliance with the approved plans applicable with all State and local codes, and this chapter. Authorized

City employees shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City Public Works Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of notice by the City Public Works Superintendent.

- D. State Compliance: The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Utah. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. Maintenance: The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the City.
- F. Additional Requirements: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Utah State Department of Environmental Quality.

### **13-20.040 Sanitary And Building Sewers And Connections; Rates**

- A. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- B. Classifications; Equivalent Residential Units; Application; Fee:
  - 1. There shall be two (2) classes of sewer connections to be known as "residential" and "commercial". Each connection type shall be measured by ERUs (equivalent residential units). Each residence served by the wastewater system will be considered to be a "residential" connection and will be considered to be equal to one ERU. In cases where there is more than one dwelling unit in a residence, each will be counted as a separate ERU. Each establishment served by the City's wastewater system that is not residential in nature will be considered a "commercial" connection charged equal to the average number of ERUs of flow contributed to the system in a one year period. In the City, an ERU is equal to eight thousand eight hundred (8,800) gallons per month.
  - 2. Prior to connecting to the wastewater system, a preliminary study shall be conducted to determine the ERU value for each "commercial" connection. Flows from zero to and including 8,800 gallons per month will be considered one (1) ERU. Flows from 8,801 to 17,600 gallons per month are considered two (2) ERUs, and so forth. There will be no partial ERUs. One year from the date the connection occurs, actual flows shall be used to confirm the ERU value for the connection. The flow data will be updated annually.
  - 3. Where a commercial connection does not have a wastewater effluent meter, the culinary water flows exclusive of irrigation use collected by the water meter will be used to determine the wastewater flow and ERUs.
  - 4. In every case, the owner or agent shall make application on a form obtained from the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the public works director.
  - 5. Fees associated with the Wastewater System are adopted by Resolution.

6. Impact fee: An Impact Fee may be adopted by the City to cover the expenses associate with the impact by a new or enlarged structure or use. The maximum impact fee amount will be determined in accordance with State statute and the final amount will be approved by the City Council.
  7. Connection Fee: A Connection Fee will be required by the City to cover the cost of the connection from the location of use to the main line through the lateral. Costs may include administration, inspection, design, materials, construction, and other associated items with the connection of the structure or use to the wastewater system.
  8. Use Fee: A Use Fee will be assessed according to the use amount of the wastewater system. The basic unit of the Use Fee is an ERU. The Use Fee includes a base fee to cover fixed costs such and administration and equipment costs associated with the system. The Use Fee will also include a conveyance fee associated to the amount of wastewater collected from the structure or use.
  9. Wastewater Strength Fee: A Wastewater Strength Fee may be assessed if it is determined by the City or treatment facility that treatment of the wastewater may enhance deterioration on the wastewater facilities, or wastewater treatment works.
  10. Pretreatment Fee: Where pretreatment is required by the City or treatment facility, a fee may be charged by the City or treatment facility.
- C. Mandatory Connection; Penalty: Each individual connection to the sewer system shall execute an application on a form provided by the City.
- D. Installation of Building Sewer: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- E. Separate And Independent Building Sewer Required; Exception: A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection as described herein.
- F. Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are examined and tested by the City Public Works Superintendent and found to meet all requirements of this chapter.
- G. Construction Code Compliance: The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the State. In the absence of these code provisions or in amplification thereof, the materials of the ASTM and WPCF (Water Pollution Control Facility) manual of practice no. 9 shall apply.
- H. Elevation: Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain

shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the owner shall be responsible for all installations, maintenance and operating costs for their operation.

- I. Surface Runoff Or Ground Water: No person shall make connection of roof downspouts, foundation drains, field drains, or other sources of surface runoff or ground water, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City and the Utah State department of environmental quality for purposes of disposal of polluted surface drainage.
- J. Connection Code Requirements: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, and the State, or the procedures set forth in appropriate specifications of nationally recognized publications of what are known as the ASTM and the WPCF Manual of Practice no. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
- K. Excavations; Protection: All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- L. Responsibility For Payment: Irrespective of the occupant, user, tenant, cotenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which there is a sewer connection, the owner of the premises according to the records of the Cache County Recorder shall be legally responsible for the payment of all charges, fees, assessments and any other payment or obligation or liability of a user. If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by the City as an obligation of the owner of the real property on which any use is made from a sewer connection. Water services to delinquent property shall be turned off by the City for failure to pay any and all sewage and wastewater fees, assessments, charges or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the City for sewer service are paid in full.
- M. Interest Charge On Delinquent Or Past Due Connection Fees: The mayor and City council may, at their discretion and in circumstances that are equitable, impose interest at the rate of twelve percent (12%) per annum on all past due accounts either for connection fees, user charges, maintenance, repair or any other charge which is provided for, imposed or authorized by this chapter.

### **13-20.050 Annual Review**

- A. Required: The City shall review the total annual cost of operation and maintenance, long-term debt service relating to wastewater collection and treatment, as well as each user's wastewater contribution percentage not less often than every year, and will review the user charge system as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the City's user charge system to: 1) adequately finance wastewater collection and treatment; and 2) cover said debt service. The City will

apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and adjust this rate accordingly.

### **13-20.060 Use Regulations**

- A. No person shall discharge or cause the discharge of any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer; except storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the City and Utah State Department of Environmental Quality.
- B. Storm water, other than that exempted under subsection A of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the City and the Utah State department of environmental quality. Unpolluted industrial cooling water or process waters shall also be discharged to a storm sewer or natural outlet.
- C. The most recent adaptations of City of Logan "ordinance Chapter 13.12" and "Logan's regional enforcement response plan for sewer pretreatment" are hereby adopted into this chapter. All flow contributors into the City wastewater system shall be required to meet all requirements, stipulations and policies required by these public documents as well as all current State and federal law concerning discharge into sanitary sewers.
- D. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in any of Utah State laws or Logan City's sanitary sewer ordinances or policies, and which are determined by Logan, Nibley or Millville City to have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, Logan, Nibley or Millville City may:
  - 1. Reject the wastes;
  - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - 3. Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of this chapter. If Logan, Nibley or Millville City permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of Logan, Nibley or Millville City and the Utah State department of environmental quality;
  - 4. Require a plot plan of sewers of the user's property showing sewer and pretreatment facility location.
  - 5. Require details of wastewater pretreatment facilities.
  - 6. Require details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- E. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of standard methods for the examination of water and wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City.
- F. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an

industrial waste of unusual strength or character may be accepted by Logan or Millville City for treatment.

### **13-20.070 Powers And Authority of Inspectors**

- A. Entrance Upon Premises: Duly authorized employees of the City or representatives of the City permitted by the City or Wastewater Treatment Works representatives, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
- B. Obtain Information: Duly authorized inspectors are authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said information to the public might result in an advantage to competitors.
- C. Information to Determine Compliance: The City may require any user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
  - 1. Wastewater's discharge peak rate and volume over a specified time period.
  - 2. Chemical analysis of wastewaters.
  - 3. Information on raw materials, processes and products affecting wastewater volume and quality.
  - 4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer control.
- D. Safety Rules Observed: While performing the necessary work on private properties referred to herein, duly authorized inspectors shall observe all safety rules applicable to the premises established by the company.
- E. Premises with Easement: Duly authorized inspectors bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **13-20.080 Penalty**

- A. Notice of Violation: Any person found to be violating any provision of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Misdemeanor Penalty: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a Class B Misdemeanor and upon conviction thereof, shall be subject to penalty as provided in Chapter 1.16 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.



## **Councilmember Reports**

### **July 14, 2016**

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

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