

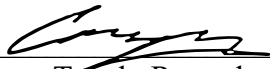
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, October 24, 2019, at the Millville City Office, 510 East 300 South in Millville, Utah, which meeting shall begin promptly at 6:30 p.m. (Please note that all times listed are approximate.)

1. Call to Order / Roll Call – Mayor David Hair.
2. Opening Remarks / Pledge of Allegiance – Councilmember Mark Williams.
3. Approval of agenda and time allocation.
4. Approval of minutes of the City Council Meeting – October 10, 2019.
5. Agenda Items—
 - A. Public Comment Period (2 min/person; sign-up sheet available at door prior to meeting).
 - B. Discussion on Millville Baseball/Softball – Mayor Hair.
 - C. Commercial Zoning Code Changes Preview – Dev. Coordinator Meadows.
 - D. Weed Cut Enforcement – Dev. Coordinator Meadows.
 - E. New Cat Code Proposal – Dev. Coordinator Meadows.
 - F. Discussion on Impoundment Code 6.04 – Dev. Coordinator Meadows.
 - G. Consideration for accepting Dusty Hancey dedication of property in exchange for reduction in impact fees – Dev. Coordinator Meadows.
 - H. Irrigation ditch concern on Main Street between 200 North and 300 North – Mayor Hair.
 - I. Consideration for Cancelling City Council Meeting scheduled for November 28, 2019 – Mayor Hair.
 - J. Councilmember Reports and Other Items for Future Agendas.
6. Adjournment.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Corey Twedt at (435) 881-2669 at least three days prior to the meeting.

This agenda was posted on October 21, 2019 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.



Corey Twedt, Recorder

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
October 10, 2019

PRESENT: David Hair, Daniel Grange, Michael Callahan, Cindy Cummings, Mark Williams, Clay Wilker, Tara Hobbs, Harry Meadows, Chad Kendrick, Corey Twedt, Ana Liquin, Todd Cottle, Pam June, Mike Morgan

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for October 10, 2019 at 6:30 p.m. The roll call indicated Mayor Hair and Councilmembers Cindy Cummings, Michael Callahan, Mark Williams, Clay Wilker and Daniel Grange were in attendance. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Councilmember Grange welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. He then offered a prayer.

Approval of agenda and time allocations

The agenda for the City Council Meeting of October 10, 2019 was reviewed.

Councilmember Wilker moved to approve the agenda for October 10, 2019.

Councilmember Williams seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes. (A copy of the agenda is included as Attachment “A”).

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting for September 26, 2019.

Councilmember Williams moved to approve the minutes for September 26, 2019.

Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes.

Public Comment Period

No one signed up for the public comment portion of the meeting.

CAPSA – Domestic Violence Awareness Month

Ana Liquin from CAPSA said that October is Domestic Violence Awareness Month. She handed out information packets to the Councilmembers. She then explained a little bit about what CAPSA does. Ana said that people often focus in on physical abuse, but that there are several different types of abuse and CAPSA works hard to protect and empower

the survivors of all types. Ana said that in Utah, one in three women and one in seven men experience some type of domestic violence which is higher than the National average.

Ana said that CAPSA provides a free shelter for those that are being abused with 32 beds and they help men as well as women. They offer free therapy, legal support and a number of other services to the survivors. Last year, CAPSA sheltered 17 men, 144 women and 139 children. They filed a number of protective orders and did education and training throughout the school system in Cache Valley. Ana said that there is still lots of work to be done. There are a many people that need help and it is important that they know that CAPSA is here and an available resource. She said that she would like to leave pamphlets in the City office to make people aware of the CAPSA Facebook page and website.

Councilmember Callahan asked about how the abuse rate in Cache Valley compares to the rest of the State. Ana said that Cache Valley was a little bit lower, but not hugely different than the rest of the State.

Mayor Hair asked about how financial status and education levels relate to the amount of domestic violence that occurs. Ana said that domestic abuse happens throughout the spectrum. She said that there are risk factors that are associated with certain groups, but they see violence in every level of education and social class.

Councilmember Wilker asked about the CAPSA funding. Ana said that the funding comes from State and Federal dollars. She also said that they receive donations as well that are helping with the growth that is needed in the organization.

Councilmember Williams asked about the process of moving victims from the transitional housing into long-term homes. He said that he understands that CAPSA is able to do this fairly quickly. Ana said that BRAG also helps out with this process.

The City Council said that Ana could leave information in the City Office and Mayor Hair said that the City could also potentially post information on the City Website. Ana thanked the Council for all they do and for allowing her time to speak with them.

Habitat for Humanity Home

Todd Cottle from Habitat for Humanity addressed the Council. Todd came before the City Council several months ago before beginning construction on a Habitat for Humanity home at 262 North 300 East. Todd explained that construction began, but that they have run into a number of significant issues. Construction has been halted for some time as they have a sunken floor and have been working to figure out what should be done. It was also discussed that there was an issue with a contractor abandoning the project. Todd said that he takes full responsibility for the project and wants to get things resolved and moving again. He said that he spoke with Habitat International to discuss the options and they decided to go ahead and make the required repairs to keep the home in the Habitat for Humanity Program. The plan is to get things moving again and be working on the home

throughout the winter. Mayor Hair thanked Mr. Cottle for his transparency and for coming before the Council to provide an update.

Stellar Auto Complaint Review and Parking in the City Right-of-Way

Councilmember Wilker reminded the Council of the initial complaint received in August and that the Council had decided to review the issue for 60 days and then revisit it. He said that he has driven past the home 10 different times to check on it and review the concern. Councilmember Wilker said that he hasn't seen any issues that would concern him. He said that he also spoke to Craig and Donna to see if they have had any recent issues or complaints from neighbors. They said that it has been quiet and they weren't aware of any concerns. Councilmember Wilker tried to speak to the neighbor that made the initial complaint, but wasn't able to connect with them. Councilmember Grange said that he agreed with this from his reviews and in speaking to a neighbor.

Mayor Hair said that he had also reviewed the concern and said that he believes there are other issues in the City that are more problematic with parking in the right-of-way. Councilmember Callahan said that he agrees that there are other issues that are more problematic. He pointed out that there was a home near the school that he felt was in clear violation of the City Code.

Development Coordinator Harry Meadows said that November would begin the winter parking restrictions for the City right-of-way.

Councilmember Cummings said that regarding parking in the right-of-way, she wasn't concerned about the occasional visitor parking there near a home, but she was concerned with residents parking their campers, trailers and work vehicles in the right-of-way for much of the year. She said that this is a large issue throughout much of the City.

Councilmember Wilker said that they could ask the Sheriff's Department to start issuing citations and that it should be done throughout the entire City and not in just specific locations.

Councilmember Grange said that as far as the Stellar Auto complaint was concerned, he didn't think any action needed to be taken at this time. Mayor Hair and Councilmember Wilker agreed. Councilmember Callahan suggested the Council close out that specific complaint because they didn't see any specific concerns and that they would have this watched along with the rest of the City as they work on the right-of-way parking issues. Councilmember Wilker suggested that they begin issuing citations for violations of the winter parking restrictions as needed.

Update from the Bear River Health Department Meeting regarding septic tanks

Mayor Hair said that yesterday, he and several other Councilmembers and staff attended the Bear River Health Department Meeting where Millville septic tank permits were discussed. Mayor Hair explained that the City had requested that the septic permit

moratorium be lifted for single families and minor subdivisions while the City is working on the sewer project. He said that he thought that the meeting went well although he was disappointed that they tabled the discussion and didn't make a decision that day. The plan is for the Board to review the septic tank moratorium again in November at which time they will make a decision. Councilmember Cummings said that she appreciated that the City was allowed to speak and that it was helpful that one of the landowners was present at the meeting to illustrate the hardship in them not being allowed to build on their property.

Mayor Hair said that Lloyd Berentzen from the Health Department had mentioned that a rate-setting committee had been established with representatives from many of the cities in Cache Valley for the Logan sewer rates. After the meeting, Mayor Hair spoke with Mayor Dustin from Nibley who said that this is correct, but that the voting allotment is weighted based on the amount of flow from each individual City giving Logan more than 50% of the vote and making the other votes insignificant.

Mayor Hair also mentioned that the City is looking at other sewer treatment options to find the best choice for the City. Recorder Twedt said that he and Public Works Director Kendrick had spoken with a company called Smart Water Group this morning about a sewer treatment technology that was developed in Israel and is being US piloted in a city in Colorado that is very similar to Millville City. He said that they would continue to explore all available options for treatment methods and locations to figure out what would be best and most cost effective.

Councilmember Williams motioned to advance to "Item K" on the agenda as Public Works Director Chad Kendrick needed to leave the meeting soon. Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes.

City Reports

ROADS:

Director Kendrick said that the asphalt project on 550 E. was now complete.

He also said that Grant Winborg, who lives across the street from the Seminary had requested a yield sign for those exiting the grouping of homes where he lives. It was discussed that this is City property. Councilmember Grange said that he was okay with having a yield sign installed at this location. The consensus of the Council was to proceed.

PARKS:

Director Kendrick said that a lot of progress had been made in the sprinkler project for the South Park. The main lines are nearly done after which they will begin pulling the 2" lines. He said that it is looking really good.

WATER:

Director Kendrick said that a recent lightning storm had caused some damage to some electrical components in the well house. Providence had seen some damage as well. The broken parts have been repaired.

Councilmember Williams motioned to return to “Item F” on the agenda.

Councilmember Wilker seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes.

Consideration of Bonding Authorization Resolution

Mayor Hair reviewed with the Council the resolution to authorize the bonding for the water and sewer projects. He explained that the funding source was not yet determined, but this was part of the legal bonding process in getting everything prepared for when the City was ready to proceed.

Recorder Twedt pointed out that there was a small update to the resolution that is being reviewed from what was sent out in the agenda packets. It is on the Recorder certification page certifying that public posting laws were followed for this meeting. The original copy had the date of September 26, 2019, which is when the Public Hearing was held, because initially this resolution was going to be presented for approval at that meeting. As it was being reviewed today, the date was changed to October 10, 2019.

There was a brief discussion on the involvement of the Council with the spending decisions going forward. It was discussed that the Mayor would clearly discuss the available rates and options going forward with the Council before the Master Resolution was signed.

Councilmember Cummings motioned to approve Resolution 2019-19. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes. (The adopted resolution is included with the minutes as Attachment “B”.)

Commercial Zoning Distinctions

Development Coordinator Meadows presented some notes showing proposed distinctions for the different types of commercial businesses that would be permitted in the Commercial General Zone and classified under the three different categories (Services, Retail and Manufacturing).

He said that when someone applies for a building permit, a determination would be made by Planning and Zoning, using the descriptions provided on which classification of general commercial it would get. Then the different requirements for signs, hours, etc. would apply.

Councilmember Wilker said that the ordinance still left room for subjectivity as this still didn't make clear which businesses would be appropriate or not appropriate and therefore someone is going to be making that decision. And the decision may differ on a similar business from commissioner to commissioner and over time.

Coordinator Meadows said that it was not possible to list every single type of business, so the list of definitions provided was meant to create categories so that it could be determined where each new business would fit. Councilmember Callahan clarified that this applied to someone building a new building and was not for a business moving into an existing building, which would be covered in the business license process.

Development Coordinator Meadows explained that the recommended ordinance had not yet been updated. This would be done in future P&Z Meetings before it comes back to the City Council for review. Today, the intent was to review the page defining the differences between the three categories.

Councilmember Wilker said that he was sensitive to the biases that might come as he had experienced this when he built his house and was treated completely different from his neighbor by the City Council at that time. He said that he wants to prevent this as much as possible with clear ordinances. (The proposed list showing the recommended distinctions is included with the minutes as Attachment "C".)

Utility Bill Adjustments for FY20 Q1

Treasurer Hobbs reviewed the utility billing adjustments made for the months of July, August and September. (The information reviewed is included with the minutes as Attachment "D".)

Budget Review for FY20 Q1

Recorder Twedt reviewed the budget for the first quarter of fiscal year 2020. He highlighted a couple of things that he said he wanted to briefly discuss and then asked the Council if there was anything else they would like to talk about regarding the budget. Recorder Twedt pointed out that the sanitation revenue was a little lower than the expenses, which doesn't make sense. The 911 fee revenue is also a little higher than expected, so he said that Treasurer Hobbs would be looking into this to make sure things were classified properly with the deposits. In looking into it for a few minutes before the meeting, they had found one item that was miscategorized that Treasurer Hobbs would fix and then look for more.

Recorder Twedt also said that at the next budget revision, they would need to make updates for the water engineering expenses now that they have a better understanding of how this would be working with the CIB Grant funds the City will receive. The City will pay these expenses and then the money will be reimbursed.

Councilmember Callahan asked if Recorder Twedt had any additional concerns with the state of the budget at this point in the year. Recorder Twedt said that he didn't and felt everything was progressing as planned. (The budget that was reviewed is included with the minutes as Attachment "E".)

Cache Summit

Development Coordinator Meadows presented a flyer for the 2019 Cache Summit. He said that he thought it would be good for the City to have attendance from both P&Z and the City Council. He suggested the City consider a sponsorship where they would get 20 passes to the conference. Councilmember Cummings said that she attended last year and thought that it was a great event and recommended people attend.

Recorder Twedt said that the City would need to send 20 people for the individual \$25/person price to justify the \$500 sponsorship package. He suggested that if people want to go, the City should buy individual tickets.

Mayor Hair said that he thought the Summit would have some good things, but that the City needs to be very careful as they look at growth and how the City will look in the future. Councilmember Cummings said that she felt that the Cache Summit provides forward thinking for the City as it grows. That it was very informative and helped her see other sides of the issues and other ways to look at the problems the City and State would be facing.

Mayor Hair said that there was money in the budget for this type of training and the City would pay for any City Councilmember or Planning Commissioner that decided they wanted to attend. (The flyer for the Cache Summit is included with the minutes as Attachment "F".)

Winter Social Discussion

Mayor Hair said that he would like the City Council to weigh in on the timing for the yearly winter social for the elected officials and City staff. He recommended that they hold the social in January and include the new Councilmembers as well as those that will be done in December.

Several possible locations were discussed. Because of how busy the months of November and December are, January 3rd was picked for the date of the social. Treasurer Hobbs will begin making phone calls to try and make a reservation.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment "G".)

Councilmember Grange said that he had heard from a resident that lives on 100 N. near the new sidewalk. The homeowners said that it is difficult to flood irrigate the new grass on the City right-of-way between the sidewalk and road. He was asking if he could replace the grass in front of his house with rock. Development Coordinator Meadows said that they could do what they want as long as they meet the requirements in the Code.

Recorder Twedt said that the City Council needs to be trained annually on Public Meetings. He said that he was planning to do this at the beginning of the year so that the new Councilmembers could be included.

Recorder Twedt also said that a new water rate study was needed with everything that was going on. He said that he has been meeting with representatives from the Rural Community Assistance Corporation (RCAC) on this. Director Kendrick and Recorder Twedt had met with them at a training a few months ago and then Mayor Hair and Recorder Twedt met with them at the ULCT Conference. Recorder Twedt had a meeting since then to kick things off. The RCAC is a nonprofit that is willing to do the rate study for free.

Recorder Twedt also reported that Director Kendrick and he had done the annual stormwater report themselves this year instead of having an engineering firm do it and had been able to save the City some money.

Coordinator Meadows asked if Mike Morgan from BioMinerals could ask a quick question as he had missed the comment period of the meeting. Mike said that he wants to drill a well at Biominerals on the southwest side of the City instead of using City water. The reason for this is that much of the work they do does not do as well with chlorinated water. Recorder Twedt said that he thought there were restrictions for businesses and homes inside the City where use of City water was required. Mayor Hair said that the Council would need to look into this further and it could be discussed in a future meeting.

Development Coordinator Meadows said that he was visited by the Census Bureau. They are in the process of hiring census workers. They are looking for people that are over the age of 18 and they will be required to pass a lengthy background test.

Coordinator Meadows also said that he has been contacted in the past few weeks by residents that are having issues with cats around their homes, because there are others in the community that are feeding stray cats. He recommended additions to the City Code that would allow the City to fine people for feeding stray cats. The Council asked that Harry recommend some language for an ordinance.

Adjournment

Councilmember Cummings moved to adjourn the meeting. Councilmember Callahan seconded. Councilmembers Callahan, Cummings, Wilker, Grange and Williams voted yes. The meeting adjourned at 8:22 p.m.

DRAFT

MILLVILLE CITY CODE

TITLE 17 - ZONING

CHAPTER 17.26 - COMMERCIAL MANUFACTURING (CM) General (CG)

[17.26.010: PURPOSE](#)

[17.26.020: PERMITTED USES](#)

[17.26.030: CONDITIONAL USES](#)

[17.26.040: APPLICATION REQUIREMENTS](#)

[17.26.050: AREA, SETBACK AND HEIGHT REQUIREMENTS](#)

[17.26.060: SPECIAL PROVISIONS](#)

[17.26.070: APPLICATION REVIEW FEE](#)

17.26.010: PURPOSE

To provide commercial ~~manufacturing~~ **general** areas to serve the residents of the city and a larger geographic area. (~~Ord. 2019-8, 2019:~~ Ord. 2012-4, 2012)

17.26.020: PERMITTED USES

~~Uses approved by the city council as being in harmony with the health, safety and welfare of the citizens.~~

A. Manufacturing

1. Manufacturing refers to a large or small-scale production of goods that converts raw materials, parts and components into finished merchandise using manual labor and/or machines. The finished goods can be sold directly to consumers, to other manufacturers for the production of more complex products or to wholesalers who distribute the goods to retailers.

2. A manufacturing business is any business that uses raw materials, parts and components to assemble finished goods. Manufacturing businesses often employ machines, robots, computers and humans to produce the merchandise and typically use an assembly line, which enables a product to be put together step by step, moving from one workstation to the next.
3. Manufacturing businesses can choose to sell their products directly to consumers, to other manufacturers, to distributors or to wholesalers.

B. Retail

1. A retail sale occurs when a business sells a product or service to an individual consumer for his or her own use. The transaction itself can occur through a number of different sales channels, such as online, in a brick-and-mortar storefront, through direct sales or direct mail. The aspect of the sale that qualifies it as a retail transaction is that the end user is the buyer.
2. There are four major categories of retailers:
 - a. Hardlines - things that tend to last a long time, such as appliances, cars and furniture.
 - b. Soft Goods or Consumables - things like clothing, shoes and toiletries.
 - c. Food - things like meat, cheese, produce and baked goods.
 - d. Art - things like fine art, as well as books and musical instruments.
3. Within those categories you'll find different types of retail stores. Some of the most common types include:
 - a. Department Stores - the oldest and often largest place for consumers to shop for a variety of products under one roof. Target and Macy's are examples.
 - b. Big Box Store - major retailers that specialize in one type of product, such as electronics. Best Buy and Bed Bath and Beyond are examples.
 - c. Discount Stores - department stores that stock discounted items and lower priced brands. Walmart and Kmart are examples.

- d. Warehouse Stores - these no-frills warehouses often require you to be a member to access their low prices. BJ's and Costco are examples.
- e. Mom-and-Pop Stores - smaller, often niche stores run by small business owners. These are your corner stores and local storefronts.
- f. E-tailers - online retailers that sell via the internet and have products delivered to your door. They typically do not have physical stores. Amazon and Etsy are examples.

C. Services

1. Services are the non-physical, intangible parts of our economy which we cannot touch or handle.
2. Services such as banking, education, medical treatment and transportation make up the majority of the economies.
3. They only exist while the provider is supplying it and the customer is consuming it. For example, a haircut is a service; you cannot transport or store a haircut. In fact, the haircut only exists while somebody is cutting your hair.
4. When you pay for a service, you receive something intangible. In other words, you do not get anything solid. I.e., you cannot touch it.
5. The buyer of a service gets something he or she needs. However, the customer does not own any physical, solid, or fixed property resulting from the transaction.
 - a. Intangibility - you cannot touch or handle them. Neither can you transport, stock, manufacture, mine or farm them.
 - b. Inventory (Perishability) - you cannot store them for future use. Once the provider delivers the service, it irreversibly vanishes.
 - c. Inseparability - the provider must deliver the service at the time of consumption. Unlike a good, a service can only be delivered and consumed when the provider is present.

(Ord. 2019-8, 2019; Ord. 2012-4, 2012)

17.26.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2013-2, 2013)

17.26.040: APPLICATION REQUIREMENTS

All applications to the planning commission for development in the commercial ~~manufacturing~~ **general** zone shall be accompanied by the following technical information reports, all prepared by a licensed engineer or landscape architect, as the case may be, in sufficient detail to allow evaluation of health, safety, and general public welfare aspects of the development. The reports shall include:

A. Site Development Plans:

1. A grading or earthmoving plan showing existing and proposed contours of the property. The contour lines shall extend to at least one hundred feet (100') outside the property lines, or a sufficient distance to show on site and off site drainage channels. The contour interval shall be two feet (2').
2. Detailed site plans and elevation drawings showing the location of all existing and proposed streets, easements, and drainage channels.
3. Traffic flow study, if deemed necessary by the city engineer.
4. Detailed site plan showing the location and proposed connection points of utilities, including, but not limited to, water, natural gas, electricity, sewer and telecommunications.
5. A fire protection plan accompanied by letters of approval from the fire chief and the county fire marshal.
6. Detailed site plan showing the boundaries of any established FEMA or any other floodplain within the property and within six hundred feet (600') of the property lines.
7. When any area of the lot exceeds slope class 1 specifications, a hillside development permit shall be required with the application.

B. Drainage Control Plans: A drainage control plan and report based upon the following criteria:

1. Independent Drainage Systems: All drainage systems shall be independent from the sanitary sewer or septic system.
2. Natural Drainage Channel: No natural drainage channel shall be filled, obstructed, or diverted, nor shall the point of entrance and exit from the property be changed without the approval of the city engineer.
3. Drainage Basin Upstream: All of the drainage basin upstream of the development shall be considered in the analysis as fully developed and considered in the design of any stormwater drainage facilities.
4. Effects On Downstream Property: The effects on the downstream property owners relative to increased flood potential shall also be considered in the design, including acquisition of easements, construction or modification of improvements where needed.
5. Existing Drainage Channels: Developments shall use existing drainage channels or newly constructed control structures and retention facilities to control its stormwater runoff so that no net increase in storm runoff will occur on the downstream properties.
6. Stormwater Adequately Conveyed: The stormwater from a 50-year frequency storm with a duration equal to the time of concentration shall be adequately conveyed within the storm drainage channels, from the project to established drainage outlet channels without creating flood hazards to adjoining properties.
7. Underground Pipe System: When an underground pipe system is required, it shall be designed to carry a 10-year storm. The minimum storm drain size shall be twelve inches (12").
8. Cross Gutter Drains: Cross gutter drains on streets shall be avoided where possible. They shall not be allowed on major streets.
9. Groundwater Sources On Property: When springs or other groundwater sources are found on the property, development plans must be reviewed and approved by Bear River health department or appropriate government agency.
10. Constructed Outside Floodplain: All buildings shall be constructed outside the limits of any of the 100-year floodplain. Foundations within five hundred feet (500') of the floodplain boundary shall be a minimum of eighteen inches (18")

above the 100-year flood stage, except on floodplains subject to FEMA regulations, in which case they shall be a minimum of two feet (2') above the 100-year flood stage.

11. Stormwater Permits: Discharge permits are required from most industries that discharge stormwater runoff to surface waters such as lakes or streams. Stormwater pollution prevention plans must be in place prior to application. All construction activities that disturb more than five (5) acres (clearing, grading and excavating) are required to obtain a UPDES construction stormwater permit (mainly for sediment and erosion control).

C. Geology Soils Report: A geology soils report shall contain at least the following information:

1. A foundation investigation including bearing strength capacity, sheer strength, and shrink/swell potential of soils and conclusions and recommendations on the effects of soil conditions on foundation and structural stability.
2. Location and yield of seeps and springs;
3. A description of geological structural features, including any geological limitations;
4. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, together with recommendations identifying the means proposed to minimize any hazard to life or property or adverse impact on the natural environment.

D. A Landscape Plan: The plan shall be of adequate scale and detail to indicate general grading and plantings along irrigation and temporary erosion control. For areas to be used as surface retention basins for stormwater runoff, the plan shall identify the location and sizing of control facilities and address operation and maintenance of the control facility in conjunction with the landscape improvements.

E. Additional Information: Other reports, plans, and information as may be deemed necessary by the planning commission, city council, or city engineer may be requested as a condition to the application procedure. (Ord. 2019-8, 2019: Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

- A. Yard Requirements: The minimum yard requirements for all main and accessory buildings are as follows:
1. Front yard: Thirty feet (30');
 2. Side yard:
 - a. Thirty feet (30') if adjacent to ~~an~~ residential or agricultural zone or facing ~~on~~ a street,
 - b. No minimum side setback required when abutting other commercial property;
 3. Rear yard:
 - a. Thirty feet (30') if adjacent to a residential or agricultural zone, or facing ~~on~~ a street,
 - b. Twenty feet (20') if adjacent to other property zoned as commercial. ~~commercial zones.~~
- B. Building Height: The maximum height of a building or structure shall be ~~fifty feet~~ (50') ~~thirty-five feet~~ (35'). The planning commission may reduce the height allowed at locations where a reduction in height is necessary to minimize the impact on surrounding land uses.
- C. Lot Corners: Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level. (Ord. 2019-8, 2019: Ord. 2014-3, 2014: Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.060: SPECIAL PROVISIONS

- A. Trash Prohibited Outside Containers: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile

parts, or similar material shall be stored or allowed to remain on any lot in any commercial zone.

B. Screening:

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a fence, landscaping, or wall that is a minimum of six feet (6') high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of ten feet (10') from any ~~zone. agricultural use.~~
2. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, shall be completely screened from surrounding properties by a fence, landscaping, or wall or shall be enclosed within a building.
3. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
4. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties where possible.

C. Perimeter Wall:

1. All uses shall have a wall along all rear and side yards not fronting on a public street, which abut an ~~residential or~~ agricultural zoned property. These requirements may be waived by the city council upon a determination that the wall is not necessary to buffer the adjacent use. Such walls shall not be located in the required setback from a public street.
2. All perimeter walls shall be a minimum of six feet (6') high unless the planning commission approves or requires an increase or reduction.
3. The city council may allow appropriate access to trails, creeks or other open space amenities.

- D. Landscaping: The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

- E. Access And Parking: The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than sixty feet (60') from the point of intersection of the property lines. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into residential or agricultural areas.
- F. Hours Of Operation:
1. ~~Commercial uses may be open for business twenty four (24) hours a day, seven (7) days a week, unless restricted by the city council.~~ Commercial uses may be open for business from eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. Hours may be adjusted based on adjacent property and type of business, unless restricted by the City Council.
 2. Commercial garbage and rubbish collection shall only occur between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., if there is a residential zone or residential use within three hundred feet (300') of the collection point.
- G. Coverage Restrictions: A building or group of buildings, with their accessory buildings shall not cover more than fifty percent (50%) of the project area unless the city council approves a higher percentage.
- H. Lighting:
1. The maximum height of luminaries shall be eighteen feet (18') unless the city council requires a lower height. The light shall be low intensity, dark sky and shielded from uses on adjoining lots, and directed away from adjacent property in an agricultural zone or an ~~residential zone-adjacent agricultural use.~~
 2. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of twenty five percent (25%) of the total luminaries used, unless the city council approves a higher percentage.
- I. Nuisance Factors And Hazards: Operations shall be in compliance with the city's nuisance ordinances, state and federal laws for activities which emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution, or generates heavy truck traffic. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.

Activities conducted on the premises shall comply with all local, state and federal laws and regulations and permits.

- J. Pedestrian Walkways: Pedestrian walkways, a minimum of ~~five~~ four feet (54') wide, shall be provided to accommodate pedestrian movement between activity centers within the site.

Public easements for walkways, jogging paths and similar uses may be required.

- K. Consistency With Master Plan: Development shall be consistent with the comprehensive master plan for the city. (Ord. 2019-8, 2019: Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.070: APPLICATION REVIEW FEE

At the time the application for development in the commercial ~~general manufacturing~~ zone is filed, there shall be paid to the treasurer an application review fee for each application, as established by resolution of the city council. This fee is not refundable. (Ord. 2019-8, 2019: Ord. 2013-2, 2013: Ord. 2012-4, 2012)



AGENDA REPORT: NEW CAT ORDINANCE

October 24, 2019

Background

During the 10/10/19 City Council Meeting, Development Coordinator Harry Meadows pointed out some issues of concern in the City as a result to stray cats being fed by members of the community. He said that some people are feeding large numbers of stray cats. These cats are then an issue for neighbors.

Coordinator Meadows has prepared a rough draft proposed code addition to address this issue. For this meeting, the Council will only be reviewing the proposal and providing feedback and notes. If the Council would like to proceed with modifying the code, this would happen in future meetings.

Included Documents

- Cat Code Addition Rough Draft Proposal

MILLVILLE CITY CODE
TITLE 6 - ANIMALS
CHAPTER 6.20 - CATS

6.20.10: Cats

- A. No person owning or otherwise having a cat over six (6) months of age in his/her care, charge, control, custody, or possession, shall cause, permit or allow such cat to be in or on a public street, road, alley or other public place unless said cat is spayed or neutered.
- B. A person who feeds stray or feral cats is considered to own the cats and said cats are counted against total cats allowed. The owner of cats that damage other private property shall be responsible for said damage cost.
- C. Violation of this ordinance is punishable by a fine as set by resolution.
- D. The City shall not be responsible for the capture and disposal of cats.
- E. The City will have live traps available for those who wish to use them. (a refundable deposit is required)
- F. It shall be unlawful for any person to own, keep, maintain, possess or harbor upon the premises of one (1) household, other than a veterinary clinic, more than three (3) cats. An owner or keeper of cats may keep one litter of cats intact until the cats reach six (6) months of age. At no time shall the owner or keeper retain more than three (3) cats over the age of one (1) year.

MILLVILLE CITY CODE
TITLE 6 - ANIMALS
CHAPTER 6.04 - IMPOUNDMENT

6.04.010: OFFICE OF ANIMAL CONTROL OFFICER CREATED

6.04.020: DOG POUND

6.04.030: IMPOUNDING

6.04.040: RECORD OF IMPOUNDING ANIMALS

6.04.050: REDEMPTION OF IMPOUNDED DOGS

6.04.060: DISPOSITION OF UNCLAIMED AND INFECTED DOGS

6.04.070: INTERFERENCE WITH IMPOUNDING PROHIBITED

6.04.080: PENALTY

6.04.010: OFFICE OF ANIMAL CONTROL OFFICER CREATED

The position of Municipal animal control officer is created. The animal control officer shall have the same authority as otherwise provided by Utah or County law except as otherwise amended by contract. (Ord. 2017-4, 2017)

6.04.020: DOG POUND

The Governing Body may contract with some humane person as animal control officer, with an adjoining municipality or with the County for the purpose of providing suitable premises and facilities to be used by the Municipality as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury. (Ord. 2017-4, 2017)

6.04.030: IMPOUNDING

It is the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his or her tag, or which is in violation of this chapter and to impound such dog in the pound or other suitable place. The animal control officer or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he or she shall enter the name and address of the owner and number of the license. (Ord. 2017-4, 2017)

6.04.040: RECORD OF IMPOUNDING ANIMALS

The animal control officer shall keep a record of each animal impounded by him or her, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold, the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal. (Ord. 2017-4, 2017)

6.04.050: REDEMPTION OF IMPOUNDED DOGS

Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the supervisor or person having charge of the pound, a certificate of registry as provided in section 6.04.030 of this chapter, showing that the license imposed by this title has been paid for such dog and upon paying the person in charge of the pound an impounding fee of thirty dollars (\$30.00). (Ord. 2017-4, 2017)

6.04.060: DISPOSITION OF UNCLAIMED AND INFECTED DOGS

All unclaimed and infected dogs will be disposed of in accordance with the agreement between Millville City and the contracted animal shelter. (Ord. 2017-4, 2017)

6.04.070: INTERFERENCE WITH IMPOUNDING PROHIBITED

It is unlawful for any person to hinder, delay, interfere with, or obstruct the animal control officer or any of his or her assistants while engaging in capturing, securing, or taking to the dog pound

any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound. (Ord. 2017-4, 2017)

6.04.080: PENALTY

The penalty for violation with this chapter shall be a Class B misdemeanor. (Ord. 2017-4, 2017)



AGENDA REPORT: HANCEY PROPERTY DEDICATION

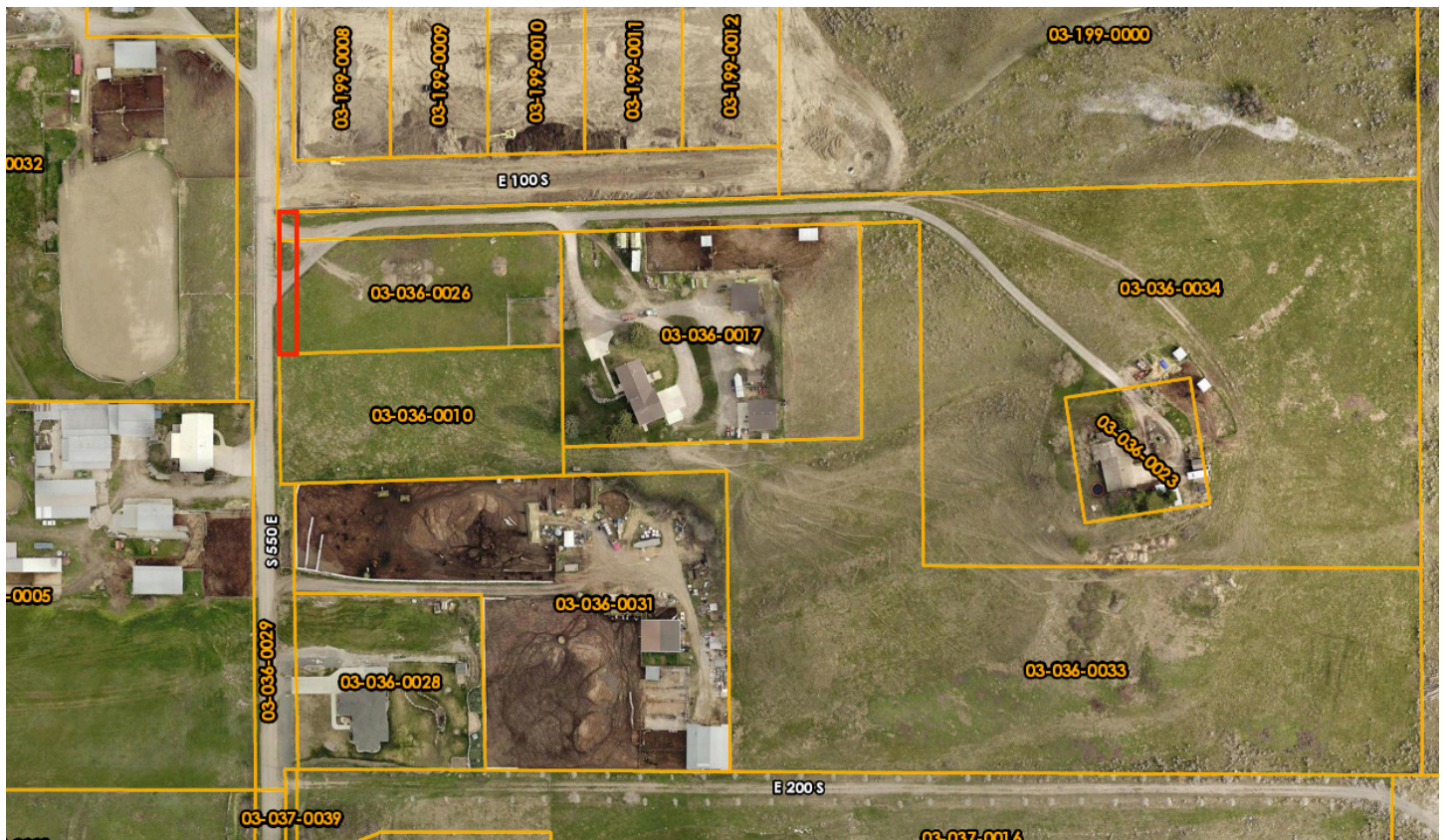
October 24, 2019

Background

Dusty Hancey would like the Council to consider an exchange of land he owns along the 550 East road in exchange for a reduction in impact fees when he builds on the property. His suggestion is that he transfers to the City one rod (16.5') along 550 East from parcels 03-036-0026 and 03-036-0023 in exchange for the market value reduction in fees.

Included Documents

- Parcel Viewer Map showing the area being offered highlighted in red.



Councilmember Assignments 2019

Updated 4/11/19

Councilmember Daniel Grange

- P&Z
- Roads
- Sewer

Councilmember Clay Wilker

- High School Liaison
- Ordinance Enforcement
- Water
- Fire

Councilmember Cindy Cummings

- First Responders
- Youth Council
- City Events (Easter, Christmas)
- Miss and Mini Miss Millville and Parades

Councilmember Mark Williams

- Millville Days and Night Out Against Crime
- Transit and CVTD
- Law Enforcement

Councilmember Michael Callahan

- Animal Control
- Cert Training/ Emergency Preparedness
- Fair Booth
- Parks
- Trails