

NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, December 12, 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 Cindy Cummings.
3. Approval of agenda and time allocation.
4. Approval of minutes of the City Council Meeting – November 14, 2019.
5. Agenda Items—
 - A. Public Comment Period (2 min/person; sign-up sheet available at door prior to meeting).
 - B. Business License Request for Mountain Valley Botanical at 700 W. 1700 S. Suite 104 – Kyle Egbert.
 - C. Business License Request for H&J Drywall Construction, LLC at 548 N. Main – Heber Hernandez.
 - D. Business License Request for Colby Martin, LLC at 285 N. 300 E. – Colby Martin.
 - E. Report on P&Z Meetings held November 21 and December 5, 2019 – Dev. Coordinator Meadows.
 - F. Consideration of Resolution Adopting 2019 Impact Fee Report – Recorder Twedt.
 - G. Update from Bear River Health Department and latest status on sewer and water projects – Mayor Hair.
 - H. Consideration of Resolution Adopting Personal Use Policy – Recorder Twedt.
 - I. Consideration for cancelling the City Council Meeting scheduled for December 26, 2019 – Mayor Hair.
 - J. Setting of the 2020 Annual Meeting Schedule – Councilmember Grange.
 - K. Consideration of Ordinance 2019-8 Revising Chapter 2.04.010 of Millville City Code Concerning the City Council Meeting Start Time – Councilmember Grange.
 - L. Discussion on preemptive water and sewer rate increases – Recorder Twedt.
 - M. Councilmember Assignments Discussion – Mayor Hair.
 - N. Fiber Internet Discussion – Recorder Twedt.
 - O. 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 December 9, 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
November 14, 2019

PRESENT: David Hair, Daniel Grange, Michael Callahan, Cindy Cummings, Mark Williams, Tara Hobbs, Harry Meadows, Chad Kendrick, Corey Twedt, Michael Evans, Jeffrey Strate, Jed Waldron, Pam Waldron

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for November 14, 2019 at 6:30 p.m. The roll call indicated Mayor Hair and Councilmembers Cindy Cummings, Michael Callahan, Mark Williams and Daniel Grange were in attendance with Councilmember Clay Wilker excused. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Councilmember Callahan 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 November 14, 2019 was reviewed.

Councilmember Callahan moved to approve the agenda for November 14, 2019.

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

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting for October 24, 2019.

Councilmember Williams moved to approve the minutes for October 24, 2019.

Councilmember Callahan seconded. Mayor Hair suggested the following change on the second paragraph on page 3:

“He liked the retail definition in the proposed code from Coordinator Meadows that explains the nature of the ~~person that is making the purchase~~ business that is being requested.”

The Council agreed. Councilmembers Callahan, Cummings, Grange and Williams voted yes with Councilmember Wilker excused.

Request for a Business License for Master Evans Martial Arts

Michael Evans has submitted a request for a business license for Master Evans Martial Arts at 695 West 1700 South, Bldg. 28 Suite 105. He was present at the City Council Meeting. Michael said that he has been in business in Logan for the past five years and has outgrown his current location and is moving to a larger location in the Zollinger Complex. He said he has been teaching martial arts for the past 47 years. **Councilmember Cummings moved to approve the business license for Master Evans Martial Arts.** Councilmember Callahan seconded. Mayor Hair clarified that the address was in Millville and the tax revenue should come to Millville City. Councilmembers Callahan, Cummings, Grange and Williams voted yes with Councilmember Wilker excused.

Recorder Twedt said that business licenses are renewed each calendar year starting in January. The Council decided that since it was so close to the end of 2019, the business license fee should be paid now and not be required with renewal in 2020. (A copy of the license application is included with the minutes as Attachment “B”).

Request for a Business License for Salon Solace

Pam Waldron has submitted a request for a business license for Salon Solace at 15 East 300 South. She was present at the City Council Meeting. Pam said that she has had a business license previously, but that she had forgotten to renew it for the past three years. She said that it was unintentional and that she hadn’t realized that she hadn’t renewed her license. **Councilmember Callahan moved to approve the business license for Salon Solace.** Councilmember Williams seconded. Councilmembers Callahan, Cummings, Grange and Williams voted yes with Councilmember Wilker excused. Pam said that she was willing to pay the fee for the past three years. The Council asked her to pay the full fee for 2019 and for 2020. (A copy of the license application is included with the minutes as Attachment “C”).

Public Comment Period

Mayor Hair opened the floor for any public comments. No one signed up for the public comment portion of the meeting.

Report on P & Z Meeting held November 7, 2019

Development Coordinator Harry Meadows reviewed with the Council the Planning Commission’s draft minutes for the meeting held November 7, 2019. (A copy of the draft minutes is included as Attachment “D”).

Consideration for Acceptance of Knowles Minor Subdivision

Councilmember Grange explained the Jeffrey Strate was the developer for this subdivision and was requesting to split the one parcel into three lots. Councilmember Grange clarified that sidewalks were required on both streets that front the parcel for the entire subdivision.

There was some discussion on the timing for completion of the sidewalks. Mr. Strate said that the plan was to only install sidewalks in front of one of the parcels for now and the other parcels when the lots are bought and during construction of those lots.

Recorder Twedt asked how they should plan to enforce the construction of the rest of the sidewalk if it wasn't required now. He said that he didn't feel there was any real tollgate to ensure they get completed. The Council and P&Z had discussed this during the work meeting held in January and decided that the best way to handle this was to require sidewalks as part of the subdivision.

Jeffrey Strate said that the City could require completion of the sidewalks before building permits are issued. Recorder Twedt said that the City would then need a way to track which lots are needing sidewalk and the burden would fall to the homeowner. Lots could be sold years later and it would be difficult to enforce. Councilmember Cummings said that the sidewalks are the responsibility of the developer and should be done as part of the subdivision. Mr. Strate asked if he could subdivide and then sell the land to someone else who would put in the sidewalks. Councilmember Grange said that this would be a problem and that Mr. Strate should put in the sidewalks if he is doing the subdivision.

Mayor Hair said he agreed that Mr. Strate should install all of the sidewalks, but that he was okay with the sidewalk construction being delayed until spring as has been done with other subdivisions. Mayor Hair said that it would better that all of the sidewalks are installed at once and not done patchwork by several different people. Jeffrey Strate said that he would wait until spring and put in the entire sidewalk on both streets.

Development Coordinator Meadows explained that for this subdivision, Mr. Strate would need to provide the City with two water shares for the Millville Irrigation Company or pay the fee in lieu of \$6,000. The Council discussed this and decided that since Mr. Strait did not have shares for Garr Spring, he could decide if he wanted to pay with water shares or money.

Recorder Twedt said that they needed a tollgate to ensure the fees were all paid if the subdivision was going to be approved at the meeting tonight. It was determined that the Council could approve the subdivision and sign the resolution, but that the final plat mylar would not be signed until all of the fees had been paid and/or the water shares had been transferred to the City.

Councilmember Callahan moved to adopt Resolution 2019-20, Accepting the Knowles Minor Subdivision with the conditions that had been discussed. Councilmember Williams seconded. Councilmembers Callahan, Cummings, Grange and Williams voted yes with Councilmember Wilker excused. (A copy of the approved resolution is included with the minutes as Attachment "E".)

Review of 2019 Business Licenses for 2020 Renewals

Recorder Twedt reviewed the current list of 2019 business licenses. Councilmember Callahan commented on the large number of licenses. Recorder Twedt asked if the Council had any concerns or if it was okay for him to send out renewal notices for 2020 to everyone on the list. The Council said to proceed with the renewals. (A copy of the Business License Report is included as Attachment “F”).

Irrigation ditch concern on Main Street between 200 North and 300 North

Councilmember Callahan said that he went by to look at the concern and that he agrees that this is a problem that the City should try to resolve. Public Works Director Chad Kendrick said that he and Mayor Hair have looked at several things trying to find a way to cover the hole. Director Kendrick said that he has asked Councilmember Grange if he might be able to find a grate to cover it up. Councilmember Grange said that he has some ideas and is trying to find some material that can be used.

Discussion on Cache County Emergency Medical Services (CCEMS)

Mayor Hair said that Logan City has decided to drop out of CCEMS. CCEMS purchases all of the ambulances and provides the emergency medical services to all of the cities in Cache Valley. He said the last meeting was Saturday night with the Mayors and Craig Buttars, the County Executive. Craig talked about the different types of licenses that would make it more feasible to provide service with less employees. Logan has said that they will pull out of CCEMS in December of 2020 after complying with the one-year notice requirement. Therefore, the cities have one year to figure out their plan. Richmond’s Mayor talked about doing a new partnership with all of the cities on both the north and the south excluding Logan City.

Councilmember Cummings said that it is unfortunate that Logan isn’t more willing to have a better relationship with the surrounding cities considering that all of the residents throughout the Valley shop in Logan and generate tax revenue for their City. She said that she would like Millville to distance themselves from Logan and avoid making agreements with them so that Millville is not reliant on Logan City.

Mayor Hair said that the Mayors from the south end of the Valley have been meeting and will continue to meet to find a solution for emergency medical services, but that all of our prices are likely to go up over the next couple of years. Mayor Hair said that during the meetings with Logan City, Craig Buttars expressed frustration with Logan that the County and other cities weren’t included or involved in the discussions that led to them making the decision to pull out of CCEMS.

City Reports

Director Kendrick said that Mayor Hair found a used generator on KSL that would work for the booster pump. The City budgeted \$30,000 for a generator and this one would cost \$7,500. It is a diesel generator that has been used for about 300 hours. The Council and

Director Kendrick briefly discussed the best location for the generator. It was determined that the best location would be to place the generator at the booster pump as this would allow the City to provide water in case of a long-term power outage during the summer.

Director Kendrick reported that the new pickleball courts at the South Park were being built this week and are looking really good. Also, the sprinkler system at the South Park is half done and a lot of progress continues to be made.

Director Kendrick then asked for some direction on the \$2,000 landscape refund. He and the Council discussed the deadline for the refund and how much of the yard was required to be completed. Director Kendrick said that he has done what has been done for years and only required completion from the back of the house forward. He said that he felt the Code was a little vague.

Councilmember Grange said that he had been asked recently if sod was required or if having the sprinklers in and ready for grass was enough. Development Coordinator Meadows said that the point was to stabilize the soil from runoff and that grass or whatever they were going to do for landscaping is required before a homeowner will be eligible for the refund.

Mayor Hair said that the Council may want to consider leniency on the time if there are circumstances that put them beyond the two-year deadline. Treasurer Hobbs asked how she should enforce it if they don't complete the landscape within the two-year requirement. Several of the Councilmembers expressed concern with making exceptions to the two-year deadline in that they needed to be consistent and needed to draw the line somewhere. Mayor Hair said that if someone was asking for an extension, they would need to come to the Council and make a request. Councilmember Cummings said that she was concerned with everyone coming to the Council and making requests. This makes it difficult for the Council to be consistent on their decisions.

Recorder Twedt asked if the Council thought that two years was enough time. He suggested they increase the time if they felt like it wasn't. Public Works Director Kendrick said that he would like a deadline that he could enforce so that it isn't always left up to a Council decision. Treasurer Hobbs said that the deadline currently starts after they move into the house. The Council discussed that this provides two growing seasons. Treasurer Hobbs said that people often have reasons of things they needed to do before they put in their yards, but the City shouldn't take into considerations everyone's different priorities. There should be a deadline. Councilmembers Cummings and Grange agreed that they needed to enforce the two-year deadline to ensure everyone was kept to the same standard.

The Code was reviewed concerning how much of the yard needed to be completed. It was discussed that this could be interpreted as the entire front and back yard completed, but that it is a little vague and that it hasn't been enforced like this in the past. They have required that the yard be completed from the back of the home and all of the front yard.

Development Coordinator Meadows said that the reason for this part of the code was to stabilize the soil and not for aesthetics of the yard. Director Kendrick agreed that maybe the backyard should be completed as well, but that this isn't what has been done in the past and there is some ambiguity in the code.

There was some discussion on how to deal with pastures or very large lots where they are not planning to landscape the entire thing. Development Coordinator Meadows suggested they might be able to address this by requiring landscaping within the setback areas. The Council said that they thought this was a good idea and asked Coordinator Meadows to review this in Planning and Zoning and make a recommendation on a change to the code to add clarification. Councilmember Cummings said that it is important that it be measurable so that the City can be consistent in their enforcement.

The consensus of the Council was to stick to the two years with everyone as this should provide plenty of time. It isn't fair to provide extensions to certain people when they come in asking for more time. Treasurer Hobbs asked specifically about a home in Copper Leaf. She said that because their landscape plans have changed, they want an extension on the two-year deadline. The Council said that the landscape plans are not the responsibility of the Council. The homeowner needs to complete the required landscaping within the two-year deadline to get the refund.

Councilmember Grange suggested that for now, the City enforce what we have enforced previously from the back of the home forward. Then this would change going forward based on what comes out of P&Z with the Code revision.

Councilmember Reports and Items for Future Agendas

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

Councilmember Callahan suggested they provide an update on the sewer status at the next meeting in December.

Councilmember Cummings said that she attended the Cache Summit. She said that the information was excellent and getting better and more organized each year. At the Summit, they discussed issues that affect everyone in the County and how to plan for growth. She said that there was an emphasis on the benefits of being in Cache Valley with the job availability and all of the opportunities that are here. Affordable housing was the number one issue and concern discussed. It is important that they have a plan and are thinking about the future.

Recorder Twedt reminded the Council that the next meeting, originally scheduled for Thanksgiving Day, has been cancelled. Also, the winter social for the City elected officials and employees will be on January 3rd at 6 p.m. at Maddox. He also reminded the Council

of the Bear River Health Department Meeting on Tuesday November 19th at 1 p.m. at the Brigham City Bear River Health Department. He said that he would send out a reminder next week.

Mayor Hair said that the School District had contacted him to see if the City was interested in taking ownership of the property between Ridgeline High School and the canal. The District is trying to get rid of this property and the canal company wasn't interested in taking ownership. The Council said they don't see any value in the City owning that property.

Mayor Hair asked Recorder Twedt to give the Council a short update on fiber internet. Recorder Twedt said that he was looking at all options and having discussions with other cities. He said that he really didn't want to pass up the opportunity of putting in infrastructure during the sewer construction. He will get back to the Council with information so that they can make decisions as soon as he can.

Adjournment

Councilmember Callahan moved to adjourn the meeting. Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Grange and Williams voted yes with Councilmember Wilker excused. The meeting adjourned at 7:58 p.m.

Mountain Valley Botanical is a botanical processing laboratory. The processing of botanical crops includes milling plant biomass, extracting essential oils, refinement of extracted oils, and storing/packageing of said oils.

SECTION IV: Additional Information

E. Utah State Tax Commission — Sales Tax Number: 14875875-002-STC ☐ Not applicable

F. State & federal regulatory agency licensing info: UDAF: IHP 2019-9-160729 ☐ Not applicable
(Not referring to an EIN or entity number)

G. Did you use "One-Stop Online Business Registration" to Register your business with state and federal agencies?
☒ Completely ☐ Partially ☐ Not at all ☐ I do not know — someone else did it

H. Previous Business Name: _____ ☒ Not applicable

I. Previous Business Location: 1577 Talon Dr. Logan, UT 84321 ☐ Not applicable

SECTION V: Ownership (Parent business entity and business officer information)**Parent Entity**Parent Business Name: _____ ☒ same as "A. Business Name DBA"State Entity Type: ☐ Sole Proprietorship ☐ Partnership ☒ LLC ☐ Corporation ☐ Non-Profit Corporation (w/501 c3 letter)**Officers (1)**Officer Name: Kyle Egbert Contact Ph. 208-716-872Home Address: 1577 Talon Dr. Logan, UT 84321

Street (include unit #) / PO Box Address

City, State, ZIP

Sole Prop./Partnership☐ Owner
☐ Local Manager**LLC**☒ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☒ This person can be contacted in the event of an after-hours police or fire emergency.**Officers (2)**Officer Name: Shaina Egbert Contact Ph. 801-452-390Home Address: 1577 Talon Dr. Logan, UT 84321

Street (include unit #) / PO Box Address

City, State, ZIP

Sole Prop./Partnership☐ Owner
☐ Local Manager**LLC**☒ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☒ This person can be contacted in the event of an after-hours police or fire emergency.**SECTION VI: Notification and Verification of Authority**

- 1) **Mandatory review process** — this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:
- (i) the information provided on the application, and
 - (ii) review of the Mayor and City Council
- 2) **Additional Requirements** — Under the Municipal Code, additional Business License application requirements are necessitated for some business types.
- 3) **Denial of License** — Application denial or subsequent license suspension or revocation are most often the result of:
- (i) an inaccurate or incomplete application, or failure to update information with the City and/or
 - (ii) non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.
- 4) **Other regulatory bodies** — It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.
- 5) **Signage** — Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.
- 6) **Building alterations** — All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

I/We hereby agree to conduct said business strictly in accordance with the business license regulations as set forth in the Millville City Code, and swear under penalty of law the information contained herein is true.

Kyle Egbert
Signature of Owner/Authorized Agent

Kyle Egbert
Printed Name

11/20/2019
Date

SECTION VII: For administration use onlyClassification: ☐ Conforming ☐ Non-Conforming ☐ Child Care ☐ Home Business ☐ Low Impact ☐ Medium Impact

Conditional Use: (If box is checked see conditions)

☐ Agree ☐ Do not agree Signature: _____ Date: _____☐ Yes ☐ No City Council grants permission Signature: _____ Date: _____FEES ☐ \$25.00☐ EXEMPT

PAYMENT TYPE

☐ RECEIPT



Millville City
PO Box 308
510 East 300 South
Millville, Utah 84326
(435) 750-0924 corey@millvillecity.org
www.millvillecity.org

CHECK APPLICABLE BOX

- ☐ Commercial ☐ New Application
☒ Home Business ☐ Application Amendment

CHANGE OF:

- ☐ Ownership ☐ Business Name
☐ Address ☐ Business Description

Business License Application

For businesses with a permanent physical location within the Millville City limits.
This is not the application for special events, temporary businesses or solicitors.

License No. _____

Date Received _____

SECTION I: Business Information

Application Contact: HEBER M HERNANDEZ Contact Ph: 435-232-1371

A. Business Name "DBA": H & J DRYWALL CONSTRUCTION, LLC

B. Business Location: 548 N MAINS ST P.O. Box 461 Millville, UT 84326
Street Address (include unit #)

C. Mailing Address: SAME ☒ Same as "B. Business Location"
ATTN: _____ Street (include unit #)/PO Box address _____ City, State, Zip _____

D. Local Business Ph: 435-232-1371 Fax: 435-213-1807 www: _____

SECTION II: Business Description — General (complete the commercial or the Home Business AND the far right column)

COMMERCIAL

Building/plaza: _____

Is this a secondary use within an existing business location?

☐ Yes, in _____ ☐ No

Hours of Operation: _____

Type of Operation: (mark all that apply)

- ☐ Sales/Service: Customers typically come on site
☐ Sales/Service: Customers rarely come on-site
☐ Service no sales
☐ Fresh food service and/or preparation
☐ Manufacturing
☐ Medical/dental
☐ Daycare
☐ Instruction
☐ Preschool
☐ Other: _____

Previous use of location: _____

HOME BUSINESS

Please Note:

A home business does not change the aesthetic character of the area and zone.

On-site employees? ☐ Yes ☒ No

If yes,

Up to how many? _____ Working hours? _____

Where will they park? _____

On-site customers? ☐ Yes ☒ No

If yes,

Up to how many per day? _____

Up to how many per week? _____

Where will they park? _____

On-site business will be performed from a:

(mark all that apply)

- ☒ Home office ☐ Garage/storage room
☐ Desk and chair ☐ Carport/driveway
☐ Shed/out building ☐ Vehicle
☐ Other: _____

Do you intend to set-up off-site?

(i.e. in parking lot, at festivals, within stores)

☐ Yes ☒ No

Proposed start date: _____

This Business Includes:

- | Yes | No |
|--------------------------|--|
| ☐ | ☒ Signage |
| ☐ | ☒ Alcohol sales and/or services |
| ☐ | ☒ Live entertainment on-site |
| ☐ | ☒ Door-to-door solicitation |
| ☐ | ☒ Fireworks sales on-site |
| ☐ | ☒ Vending machines on-site |
| ☐ | ☒ On-site secondary business |
| ☐ | ☒ On-site events (i.e. community party parking lot/sidewalk sales) |
| ☐ | ☒ Investment advice and/or service |
| ☐ | ☒ Pesticides use and storage |
| ☐ | ☒ Hazardous materials use and storage |
| ☐ | ☒ Vehicle sales |
| ☐ | ☒ Firearms or explosives sales |
| ☐ | ☒ Care of children or preschool |
| ☐ | ☒ Any construction jobs over \$1,000 |
| ☐ | ☒ Piercing, tattooing, perm, make-up |
| ☐ | ☒ Used merchandise transactions |
| ☐ | ☒ Changes to existing garbage service |
| ☐ | ☒ Vehicles, trailers, mowers, etc. (stores on site) |
| ☐ | ☒ Electrical, plumbing, structural, or mechanical changes to site |

SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

DRYWALL INSTALLATION AND PAINTING SERVICES.

SECTION IV: Additional InformationE. Utah State Tax Commission — Sales Tax Number: _____ ☒ Not applicableF. State & federal regulatory agency licensing info: _____ ☒ Not applicable
(Not referring to an EIN or entity number)

G. Did you use "One-Stop Online Business Registration" to Register your business with state and federal agencies?

☐ Completely ☒ Partially ☐ Not at all ☐ I do not know — someone else did itH. Previous Business Name: _____ ☒ Not applicableI. Previous Business Location: _____ ☒ Not applicable**SECTION V: Ownership** (Parent business entity and business officer information)**Parent Entity**Parent Business Name: _____ ☐ same as "A. Business Name DBA"State Entity Type: ☐ Sole Proprietorship ☐ Partnership ☒ LLC ☐ Corporation ☐ Non-Profit Corporation (w/501 c3 letter)**Officers (1)**Officer Name: HEBER M HERNANDEZ Contact Ph. 435-232-1374
Home Address: 548 N MAIN ST MILLVILLE UT 84326
Street (include unit #) / PO Box Address City, State, ZIP

Sole Prop./Partnership

☐ Owner
☐ Local Manager

LLC

☒ Member
☐ Manager
☐ Local Manager

Corporation

☐ President
☐ Director
☐ Officer
☐ Local Manager☒ This person can be contacted in the event of an after-hours police or fire emergency.**Officers (2)**Officer Name: N/A Contact Ph. _____
Home Address: _____
Street (include unit #) / PO Box Address City, State, ZIP

Sole Prop./Partnership

☐ Owner
☐ Local Manager

LLC

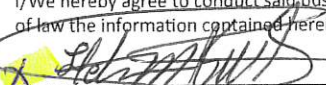
☐ Member
☐ Manager
☐ Local Manager

Corporation

☐ President
☐ Director
☐ Officer
☐ Local Manager☐ This person can be contacted in the event of an after-hours police or fire emergency.**SECTION VI: Notification and Verification of Authority**

- 1) **Mandatory review process** — this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:
- (i) the information provided on the application, and
 - (ii) review of the Mayor and City Council
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- (i) an inaccurate or incomplete application, or failure to update information with the City and/or
 - (ii) non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.
- 4) **Other regulatory bodies** — It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.
- 5) **Signage** — Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.
- 6) **Building alterations** — All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

I/We hereby agree to conduct said business strictly in accordance with the business license regulations as set forth in the Millville City Code, and swear under penalty of law the information contained herein is true.


Signature of Owner/Authorized AgentHeber M. Hernandez
Printed Name11/19/2019
Date**SECTION VII: For administration use only**Classification: ☐ Conforming ☐ Non-Conforming ☐ Child Care ☐ Home Business ☐ Low Impact ☐ Medium Impact

Conditional Use: (If box is checked see conditions)

☐ Agree ☐ Do not agree Signature: _____ Date: _____☐ Yes ☐ No City Council grants permission Signature: _____ Date: _____FEES ☐ \$25.00 ☐ EXEMPT

PAYMENT TYPE

☐ RECEIPT

HOME-BASED BUSINESS FEE EXEMPTION CERTIFICATION

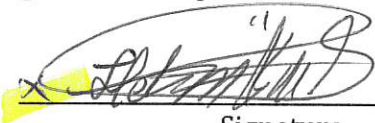
Business Name H&J DRYWALL CONSTRUCTION, LLC

Owner Name Heber M. Hernandez

Business Address 548 W. Main St. Millville VT 04326

I hereby attest that the business operations I run from my home do not create any additional offsite impacts in my neighborhood. I see no clients or customers and require no off or on street parking, no large equipment is stored at my home and my business operations will not impact the neighbors through loud noise, odors, traffic or other unusual activity. Other reasons as to why I believe that my business qualifies for a fee exemption from the Millville City business license requirements (Millville Code 5.04.140) are as follows:

For all of the foregoing reasons, I hereby request that my home-based business be granted exempt status from the business license fee.



Signature

11/19/2019

Date



Millville City

PO Box 308
510 East 300 South
Millville, Utah 84326
(435) 750-0924 FAX (435) 750-6206
www.millvillecity.org

CHECK APPLICABLE BOX

- | | |
|--|--|
| ☐ Commercial | ☐ New Application |
| ☐ Home Business | ☐ Application Amendment |

CHANGE OF:

- | | |
|------------------------------------|---|
| ☐ Ownership | ☐ Business Name |
| ☐ Address | ☐ Business Description |

Business License Application

For businesses with a permanent physical location within the Millville City limits.
This is not the application for special events, temporary businesses or solicitors.

License No. _____

Date Received _____

SECTION I: Business Information

Application Contact: Colby Martin Contact Ph: 435-881-0662

A. Business Name "DBA": Colby Martin, LLC

B. Business Location: 285 N. 300 E Millville, UT 84326
Street Address (include unit #)

C. Mailing Address: PO BOX 697 Millville, UT 84326 ☐ Same as "B. Business Location"
ATTN: 881 Street (include unit #)/PO Box address City, State, Zip

D. Local Business Ph: 435-554 0662 Fax: _____ www: _____

SECTION II: Business Description — General (complete the commercial or the Home Business AND the far right column)

COMMERCIAL

Building/plaza: _____

Is this a secondary use within an existing business location?

☐ Yes, in _____ ☐ No

Hours of Operation: _____

Type of Operation: (mark all that apply)

- ☐ Sales/Service: Customers typically come on site
☐ Sales/Service: Customers rarely come on-site
☐ Service no sales
☐ Fresh food service and/or preparation
☐ Manufacturing
☐ Medical/dental
☐ Daycare
☐ Instruction
☐ Preschool
☐ Other: _____

Previous use of location: _____

HOME BUSINESS

Please Note:

A home business does not change the aesthetic character of the area and zone.

On-site employees? ☐ Yes ☒ No

If yes,

Up to how many? _____ Working hours? _____

Where will they park? _____

On-site customers? ☐ Yes ☒ No

If yes,

Up to how many per day? _____

Up to how many per week? _____

Where will they park? _____

On-site business will be performed from a:

(mark all that apply)

- ☒ Home office ☐ Garage/storage room
☐ Desk and chair ☐ Carport/driveway
☐ Shed/out building ☐ Vehicle
☐ Other: _____

Do you intend to set-up off-site?

(i.e. in parking lot, at festivals, within stores)

☐ Yes ☒ No

Proposed start date: 1/01/20

This Business Includes:

- | Yes | No |
|--------------------------|---|
| ☐ | ☒ Signage |
| ☐ | ☒ Alcohol sales and/or services |
| ☐ | ☒ Live entertainment on-site |
| ☐ | ☒ Door-to-door solicitation |
| ☐ | ☒ Fireworks sales on-site |
| ☐ | ☒ Vending machines on-site |
| ☐ | ☒ On-site secondary business |
| ☐ | ☒ On-site events (ie. community party parking lot/sidewalk sales) |
| ☐ | ☒ Investment advice and/or service |
| ☐ | ☒ Pesticides use and storage |
| ☐ | ☒ Hazardous materials use and storage |
| ☐ | ☒ Vehicle sales |
| ☐ | ☒ Firearms or explosives sales |
| ☐ | ☒ Care of children or preschool |
| ☐ | ☒ Any construction jobs over \$1,000 |
| ☐ | ☒ Piercing, tattooing, perm, make-up |
| ☐ | ☒ Used merchandise transactions |
| ☐ | ☒ Changes to existing garbage service |
| ☐ | ☒ Vehicles, trailers, mowers, etc. (stores on site) |
| ☐ | ☒ Electrical, plumbing, structural, or mechanical changes to site |

SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

Medical Services - working as a contractor for businesses such as Clear Recovery. I provide medical services for their clients as needed. I will also be operating a concierge medical service seeing patients in their homes for drug and alcohol detoxification, and may expand to other services.

SECTION IV: Additional Information

- E. Utah State Tax Commission — Sales Tax Number: _____ ☒ Not applicable
- F. State & federal regulatory agency licensing info: _____ ☐ Not applicable
(Not referring to an EIN or entity number)
- G. Did you use "One-Stop Online Business Registration" to Register your business with state and federal agencies?
☒ Completely ☐ Partially ☐ Not at all ☐ I do not know — someone else did it
- H. Previous Business Name: _____ ☐ Not applicable
- I. Previous Business Location: _____ ☐ Not applicable

SECTION V: Ownership (Parent business entity and business officer information)**Parent Entity**Parent Business Name: Colby Martin, LLC ☐ same as "A. Business Name DBA"State Entity Type: ☐ Sole Proprietorship ☐ Partnership ☒ LLC ☐ Corporation ☐ Non-Profit Corporation (w/501 c3 letter)**Officers (1)**

Officer Name: Colby Martin Contact Ph. 435-881-0662

Home Address: 285 N. 300 E / PO Box 697 Millville, UT 84326
Street (include unit #) / PO Box Address City, State, ZIP

☒ This person can be contacted in the event of an after-hours police or fire emergency.

Sole Prop./Partnership	LLC	Corporation
☐ Owner	☒ Member	☐ President
☐ Local Manager	☐ Manager	☐ Director
	☐ Local Manager	☐ Officer
		☐ Local Manager

Officers (2)

Officer Name: Janeth Martin Contact Ph. 435-740-1404

Home Address: 285 N. 300 E. / Box 697 Millville UT 84326
Street (include unit #) / PO Box Address City, State, ZIP

☒ This person can be contacted in the event of an after-hours police or fire emergency.

Sole Prop./Partnership	LLC	Corporation
☐ Owner	☒ Member	☐ President
☐ Local Manager	☐ Manager	☐ Director
	☐ Local Manager	☐ Officer
		☐ Local Manager

SECTION VI: Notification and Verification of Authority

- 1) **Mandatory review process** — this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:
(i) the information provided on the application, and
(ii) review of the Mayor and City Council
- 2) **Additional Requirements** — Under the Municipal Code, additional Business License application requirements are necessitated for some business types.
- 3) **Denial of License** — Application denial or subsequent license suspension or revocation are most often the result of:
(i) an inaccurate or incomplete application, or failure to update information with the City and/or
(ii) non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.
- 4) **Other regulatory bodies** — It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.
- 5) **Signage** — Permanent signage requires a separate Sign Permit Application, which is located on the city web site, millvillecity.org.
- 6) **Building alterations** — All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

I/We hereby agree to conduct said business strictly in accordance with the business license regulations as set forth in the Millville City Code, and swear under penalty of law the information contained herein is true.

Signature of Owner/Authorized Agent: [Signature] Printed Name: Colby Martin Date: 12/3/19

SECTION VII: For administration use onlyClassification: ☐ Conforming ☐ Non-Conforming ☐ Child Care ☐ Home Business ☐ Low Impact ☐ Medium Impact

Conditional Use: (If box is checked see conditions)

☐ Agree ☐ Do not agree Signature: _____ Date: _____☐ Yes ☐ No City Council grants permission Signature: _____ Date: _____FEES ☐ \$25.00 ☐ EXEMPT PAYMENT TYPE ☐ RECEIPT

HOME-BASED BUSINESS FEE EXEMPTION CERTIFICATION

Business Name Colby Martin, LLC

Owner Name Colby Martin

Business Address 285 N. 300 E. Millville UT 84326

I hereby attest that the business operations I run from my home do not create any additional offsite impacts in my neighborhood. I see no clients or customers and require no off or on street parking, no large equipment is stored at my home and my business operations will not impact the neighbors through loud noise, odors, traffic or other unusual activity. Other reasons as to why I believe that my business qualifies for a fee exemption from the Millville City business license requirements (Millville Code 5.04.140) are as follows:

For all of the foregoing reasons, I hereby request that my home-based business be granted exempt status from the business license fee.


Signature

12/3/19
Date

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

Nov 21, 2019

1. Roll Call:

Chairman Garrett Greenhalgh, Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matt Anderson (Alt.).

Others Present:

Development Coordinator Harry Meadows, and Mayor David Hair, Secretary Adria Davis recorded the minutes.

2. Opening Remarks/Pledge of Allegiance

Chairman Greenhalgh opened the meeting at 8:00 p.m.
He led all present in the Pledge of Allegiance.

3. Review and Approval of agenda

The agenda for the Planning Commission meeting of Nov 21, 2019 was reviewed. A motion was made by Commissioner Thompson to approve the agenda as presented. Commissioner Ripplinger (Alt.) seconded. Commissioners Greenhalgh, Dickey, Thompson, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioners Lewis absent.

4. Review and Approval of the Minutes from Nov 7, 2019

The Planning Commission meeting minutes were reviewed. A motion was made by Commissioner Dickey to approve the minutes as outlined. Commissioner Ripplinger (Alt.) seconded. Commissioners Greenhalgh, Dickey, Thompson, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioners Lewis absent.

Commissioner Larry Lewis arrived at the meeting.

5.A. Commercial Definitions.

Chairman Greenhalgh led a discussion about the commercial zones being combined into one zone. The City Council has requested clarification on the permitted uses in the Commercial General zone.

After a lengthy discussion regarding what is already covered in the ordinance regarding setbacks, lighting, signage, hours of operation and what type of business could operate in this zone, it was still undecided as to how best to change the wordage.

The ordinance is designed to cover any questionable situation by defaulting to the strictest regulations, which would be those specified under commercial manufacturing.

Since every business could be covered under those regulations it was debated whether or not ANY definitions should even be listed at all.

They determined that the Permitted Uses section should be changed to list a brief statement that Manufacturing, Service and Retail businesses were allowed, but no commercial residential.

The discussion was deferred to the next meeting.

5.B. Ordinance 17.40.30 revisions.

This ordinance addresses the requirements that must be met for landscaping before the deposit can be refunded. Some parcels are extremely large and it has been determined that the area required to be landscaped should be clearly defined, as the entire lot doesn't need to be landscaped for the refund.

The proposed changes to the ordinance would only require landscaping the setback area immediately surrounding the home. Section A would change to:

- A. Required yard areas for landscape, as measured from the perimeter of the foundation.
 - 1. Interior lot: 15 feet out from the home on the side yard, 30 feet out in front and rear yards.
 - 2. Corner lots: 15 feet out on interior side yard, 20 feet out on side yard adjacent to the street and 20 feet out on rear yard.

A public hearing for the ordinance change will be scheduled at a future meeting.

5.C. Other

Commissioner Lewis was concerned with the sidewalk issue on 200 south. He doesn't like the patchy pieces of sidewalk completed randomly around town. He feels that the city should find a way to do the entire sidewalk on a street at one time.

Different solutions were proposed including collecting a sidewalk impact fee to be used for all the sidewalk installations for the upcoming year, or only requiring sidewalk in major subdivisions.

It is understood that there are regulations and restrictions on holding funds in escrow, however a solution should be worked out to avoid the patchwork of unconnected sidewalk pieces.

6. City Council Report – review minutes from Nov 14, 2019 meeting.

No comments were made.

7. Agenda Items for Next Meeting

Nothing pending

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, Dec 5, 2019 at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:37 p.m.

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

Dec 5, 2019

1. Roll Call:

Chairman Garrett Greenhalgh, Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matt Anderson (Alt.).

Others Present:

Development Coordinator Harry Meadows. Secretary Adria Davis recorded the minutes.

2. Opening Remarks/Pledge of Allegiance

Chairman Greenhalgh opened the meeting at 8:01 p.m.
He led all present in the Pledge of Allegiance.

3. Review and Approval of agenda

The agenda for the Planning Commission meeting of Dec 5, 2019 was reviewed. A motion was made by Commissioner Thompson to approve the agenda as presented. Commissioner Dickey seconded. Commissioners Greenhalgh, Dickey, Thompson, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioners Lewis absent.

4. Review and Approval of the Minutes from Nov 21, 2019

The Planning Commission meeting minutes were reviewed. A motion was made by Commissioner Dickey to approve the minutes as outlined. Commissioner Thompson seconded. Commissioners Greenhalgh, Dickey, Thompson, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioners Lewis absent.

Commissioner Larry Lewis and Councilman Daniel Grange arrived at the meeting.

5.A. Commercial Definitions.

The entire ordinance of 17.26 was reviewed to change the wording referring to Commercial General.

There was some discussion about future commercial zones and who might want to expand their current business next to a residential zone (i.e. in the south fields).

They also reviewed new annexed lands coming into the city. These would come into the city as agricultural zones and then be determined according to the master plan.

The sign types matrix was also reviewed.

The manufacturing and services categories will be eliminated, and the retail category will be changed to a commercial general category.

Section C. will be changed to match the Zollinger sign requirements.

Section G. will be changed to 17.44.080 A 4a.

5.B. Ordinance 17.40.30 revisions.

The proposed changes from last meeting were reviewed and all were in agreement.

Commissioner Thompson made a motion to set a public hearing for changes to ordinance 17.26 - Commercial Manufacturing, on Jan 16, 2020 at 8:05 pm. Commissioner Anderson (Alt.) seconded. All voted in Favor.

Commissioner Thompson made a motion to set a public hearing for changes to ordinance 17.40.30 R-1, R-2, R-3 Residential, on Jan 16, 2020 at 8:10 pm. Commissioner Lewis seconded. All voted in Favor.

5.C. Other

The sidewalk issue was again brought up. This will be discussed in the City Council meeting in January.

Commissioner Darcy Ripplinger made a motion to cancel the January 2nd Planning Commission meeting. Commissioner Farmer seconded. All voted in Favor.

6. Agenda Items for Next Meeting

Nothing pending

7. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, Dec 19, 2019 at 8:00 pm.

8. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:03 p.m.

**MILLVILLE CITY
RESOLUTION 2019-21**

IMPACT FEE CERTIFICATION

WHEREAS, the Utah State Code in section 11-36-301 requires an annual report to be submitted to the Utah State Auditor with regard to Impact Fees collected, budgeted, and expended; and

WHEREAS, the Millville City Council has evaluated the capital projects and monies received and reviewed the documentation presented;

NOW THEREFORE, be it resolved by the Millville City Council that the attached report be adopted as the 2019 Millville City Impact Fee Report.

Passed and approved by the Millville City Council this 12th day of December 2019.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan				
Cindy Cummings				
Mark Williams				
Clay G. Wilker				
Daniel Grange				

Millville City
Impact Fee Schedule
Fiscal Year Ended June 30, 2019

Projects From Which Funds Were Collected	<u>Parks</u>	<u>Roads</u>	<u>Water</u>	<u>TOTAL</u>
FY2015 - Impact Fees Collected and Interest Income	\$ 799	\$ -	\$ -	\$ 799
FY2016 - Impact Fees Collected and Interest Income	\$ 32,500	\$ 23,415	\$ -	\$ 55,915
FY2017 - Impact Fees Collected and Interest Income	\$ 85,905	\$ 46,887	\$ -	\$ 132,792
FY2018 - Impact Fees Collected and Interest Income	\$ 134,266	\$ 45,178	\$ -	\$ 179,444
FY2019 - Impact Fees Collected (see detail spreadsheet)	\$ 138,580	\$ 45,760	\$ 82,350	\$ 266,690
FY2019 - Interest Income	\$ 9,072	\$ 3,925	\$ -	\$ 12,997
	\$ 401,122	\$ 165,165	\$ 82,350	\$ 648,637
Park impact fees spent - Splash Pad Restrooms; South Park Sprinklers	\$ (2,290)	\$ -	\$ -	\$ (2,290)
Road impact fees spent - None in FY2019	\$ -	\$ -	\$ -	\$ -
Water impact fees spent on principal and interest payments for the bonds for 1997 Reservoir and 2006 Reservoir Projects	\$ -	\$ -	\$ (82,350)	\$ (82,350)
<i>Total Impact Fees and Interest on Hand at June 30, 2019</i>	\$ 398,832	\$ 165,165	\$ -	\$ 563,997

Future Expected Expenditures of Impact Fees on Hand by Project by Fee Type	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>	<u>TOTAL</u>
Park Expenditures				
South Park Sprinkler System	\$ 375,000	\$ -	\$ -	\$ 375,000
South Park Pickleball Courts	\$ 51,000	\$ -	\$ -	\$ 51,000
	\$ 426,000	\$ -	\$ -	\$ 426,000
Road Expenditures				
550 E Bench Road - New Asphalt Road	\$ 40,000		\$ -	\$ 40,000
	\$ 40,000		\$ -	\$ 40,000
Water Expenditures				
Bond payments for 1997 Reservoir and 2006 Reservoir Projects	\$ -	\$ -	\$ -	\$ -
<i>Impact Fees Projected for Expenditures</i>	\$ 466,000	\$ -	\$ -	\$ 466,000

2019 IMPACT FEES COLLECTED

Date	Memo	Water	Park	Roads
07/31/2018	ADAM FARMER	3,050.00	5,330.00	1,760.00
07/31/2018	BEN STOCK	3,050.00	5,330.00	1,760.00
07/31/2018	NATE LEISHMAN	3,050.00	5,330.00	1,760.00
08/02/2018	BURBANK BUILDERS SPEC HOME	3,050.00	5,330.00	1,760.00
08/02/2018	ELIZABETH ZOLLINGER	3,050.00	5,330.00	1,760.00
08/25/2018	LEON HOLLAND	3,050.00	5,330.00	1,760.00
08/28/2018	KARIANNE KLOMP	3,050.00	5,330.00	1,760.00
09/07/2018	CHRIS WOODS	3,050.00	5,330.00	1,760.00
09/07/2018	JOY PAGE APARTMENT	3,050.00	0.00	0.00
09/11/2018	JORDAN LEISHMAN	3,050.00	5,330.00	1,760.00
10/04/2018	TYSON SAWIN	3,050.00	5,330.00	1,760.00
10/23/2018	JEFF HURD	3,050.00	5,330.00	1,760.00
11/27/2018	DENTON GRANGE	3,050.00	5,330.00	1,760.00
12/07/2018	WARNES CRAIG	3,050.00	5,330.00	1,760.00
01/03/2019	CHAD MANO	3,050.00	5,330.00	1,760.00
01/03/2019	TONY REESE	3,050.00	5,330.00	1,760.00
01/09/2019	TONYA HEAPES	3,050.00	5,330.00	1,760.00
01/22/2019	VISIONARY SPEC HOME	3,050.00	5,330.00	1,760.00
03/19/2019	MATT PAYNE	3,050.00	5,330.00	1,760.00
04/05/2019	MICHAEL/HEIDI ANDERSON	3,050.00	5,330.00	1,760.00
05/16/2019	JASE HILL	3,050.00	5,330.00	1,760.00
05/16/2019	BRENDAN THOMPSON	3,050.00	5,330.00	1,760.00
05/28/2019	CHRIS NASCIMENTO	3,050.00	5,330.00	1,760.00
06/14/2019	REBECCA CAPELL	3,050.00	5,330.00	1,760.00
06/25/2019	PRESTON FORD	3,050.00	5,330.00	1,760.00
06/27/2019	TENILLE PHILLIPS	3,050.00	5,330.00	1,760.00
06/28/2019	COLE KNIGHTON	3,050.00	5,330.00	1,760.00
TOTAL		82,350.00	138,580.00	45,760.00



AGENDA REPORT: HB163 – PERSONAL USE POLICY

December 12, 2019

Background

In March of this year the Utah Legislature enacted House Bill 163 describing the type of personal use of public property that is permitted. As a result of this bill, the City needs to adopt a policy that defines what is personal use.

This policy was drafted by Cache County legal counsel and has been reviewed, modified and implemented by many of the cities in Cache Valley. As of right now, we aren't aware of any issues of employees using public property in inappropriate ways. This resolution will make sure that those lines of what is allowed and not allowed are clear.

Included Documents

- Resolution 2019-22 – Personal Use Policy

**MILLVILLE CITY
RESOLUTION 2019-22**

**DEFINING INCIDENTAL PERSONAL USE OF PUBLIC
PROPERTY FOR PURPOSES OF HOUSE BILL 163**

WHEREAS, the Utah Legislature in 2019 enacted House Bill 163 describing the type of personal use of public property that is permitted; and

WHEREAS, House Bill 163 was signed by Utah Governor Gary Herbert on March 25, 2019; and

WHEREAS, House Bill 163 amended Utah Code Section 76-8-402 to allow a public servant to use public property in accordance with a written policy of the City; and

WHEREAS, It is the intent of Millville City to be responsible for the use of all tax dollars and all real and personal property acquired with tax dollars and to establish policies regarding the personal use of City property by its officers, agents and employees, including real and personal property as defined in Utah Code Section 76-6-41 and below consistent with the provision of Utah Code Section 76-8-402 (2019 amendments); and

WHEREAS, the Millville City Council finds it is necessary, appropriate and in the best interest of the City and its personnel that the Millville City Employee Handbook be amended to establish a policy consistent with House Bill 163;

NOW THEREFORE, be it resolved by the Millville City Council that the following be added to the Millville City Employee Handbook:

PERSONAL USE OF PUBLIC PROPERTY

This policy provides City employees guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code Section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. "Public property" means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a “written policy of the public servant’s entity” for purposes of Utah Code section 76-8- 402(1)(b)(iii). For purposes of this policy, “public servants” will be referred to as “employees”.

POLICY

Employees are responsible to protect and conserve City owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate department head or elected official.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

To help improve the effectiveness and efficiency of government services, incidental personal use of public property is authorized under Utah Code section 76-8-402 and is further authorized under this policy.

“Incidental Personal Use” or “De Minimis Use” means an occasional personal use with little or no cost to the City and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered. Incidental personal use includes:

1. Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and
2. Use of public property of a personal nature when such use of the public property:
 - a. Is allowed to be used by the general public;
 - b. Is allowed for training or skill development;
 - c. Is provided or required to be provided to the employee as an employee benefit or convenience;
 - d. Is allowed by state, federal, or city code, administrative rule, or policy;
 - e. Does not create more than a de minimis additional cost or expense to the government;
 - f. Does not interfere with the mission or operations of the City;
 - g. Does not interfere with the performance of any other City employee’s official duties;
 - h. Does not compromise the integrity of City property, information, or software;
 - i. Does not involve conducting an outside business or private employment or other activities conducted for private financial gain;
 - j. Is otherwise permitted by an employee’s manager or supervisor (e.g., a supervisor in the employee’s organizational chain of command; or
 - k. Is otherwise permissible under state, federal, or City Code, administrative rule or policy.

Passed and approved by the Millville City Council this 12th day of December 2019.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan				
Cindy Cummings				
Mark Williams				
Clay G. Wilker				
Daniel Grange				



AGENDA REPORT: MEETING SCHEDULE FOR 2020

December 12, 2019

Background

Yearly, the City Council reviews the meeting schedule for City Council and Planning and Zoning and publishes the schedule in the Herald Journal, even if no changes in time or day of the meetings is made. Tonight, you should set the meeting schedule for 2020.

In January of 2019, the City Council Meeting start time was changed from 7 p.m. to 6:30 p.m. Some residents have expressed concern with the time change and some of the elected officials have expressed a desire to change the start time back to 7 p.m. A change in the schedule requires an ordinance and change to City Code. Tonight, you will review an ordinance that would change the City Council Meeting start time. Obviously, there is no pressure or need to adopt this if the Council does not wish to make a change, but if a change is desired, the Ordinance can be adopted tonight so that the meeting schedule can be published and this doesn't get dragged into future meetings.

Included Documents

- Ordinance 2019-8 – Meeting Start Times (Draft)

**MILLVILLE CITY
ORDINANCE NO. 2019-8**

**AN ORDINANCE REVISING CHAPTER 2.04.010 OF MILLVILLE CITY
CODE CONCERNING THE CITY COUNCIL MEETING START TIME**

WHEREAS, Millville City has established code setting the start time for City Council Meetings; and

WHEREAS, the Millville City Council has decided to change the City Council Meeting start time from 6:30 p.m. to 7:00 p.m.; and

WHEREAS, the City Council reviewed the proposed changes on December 12, 2019;

NOW, THEREFORE, BE IT ORDAINED, by the Millville City Council, Cache County, State of Utah, as follows:

2.04.010: TIME, PLACE; EXCEPTIONS

REPEAL:

The governing body shall hold two (2) regular meetings which shall be held on the second and fourth Thursdays of each month at the city office which meetings shall begin promptly at six thirty (6:30) P.M., during Mountain Standard Time and at six thirty (6:30) P.M., during Mountain Daylight Time...

ADOPT:

The governing body shall hold two (2) regular meetings which shall be held on the second and fourth Thursdays of each month at the city office which meetings shall begin promptly at seven o'clock (7:00) P.M., during Mountain Standard Time and at seven o'clock (7:00) P.M., during Mountain Daylight Time...

This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 12th day of December 2019.

MILLVILLE CITY

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan				
Cindy Cummings				
Mark Williams				
Clay G. Wilker				
Daniel Grange				

POSTED: _____



AGENDA REPORT: COUNCILMEMBER ASSIGNMENTS December 12, 2019

Background

At the beginning of every other year (if not more frequently), the Mayor will set Councilmember assignments for the following year(s). Mayor Hair will be setting the Councilmember assignments for 2020 in January of 2020.

If any of the Councilmembers have recommendations on assignments that they are especially interested in, please let Mayor Hair know.

Included Documents

- Current 2019 Councilmember Assignment List.

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