

**MILLVILLE CITY COUNCIL MEETING**  
**Zoom Electronic Meeting – Millville, Utah**  
**December 10, 2020**

**PRESENT:** David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Bodie Lyon, Cole Knighton, Jason Dattage, Lance Zollinger, Mike Zollinger, Spencer Munyan

**Call to Order/Roll Call**

Mayor David Hair called the City Council Meeting to order for December 10, 2020 at 7:00 p.m. The roll call indicated Mayor Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger and Daniel Grange were in attendance with Councilmember Clay Wilker to arrive shortly. 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 said that it has been quite a year for the City. Not only because of COVID, but also because of the big projects that are happening in Millville. Councilmember Callahan said that he was appreciative of the Mayor and the City staff for all that they have accomplished this year.

**Approval of Agenda**

The agenda for the City Council Meeting of December 10, 2020 was reviewed.

**Councilmember Callahan moved to approve the agenda for December 10, 2020.**

Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger 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 November 12, 2020.

**Councilmember Callahan moved to approve the minutes for November 12, 2020.**

Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

**Report on P & Z Meetings held November 19, 2020 and December 3, 2020**

Development Coordinator Randy Wall had not arrived at this point in the meeting so Recorder Twedt reviewed with the Council the Planning Commission’s draft minutes for the meetings held November 19, 2020 and December 3, 2020.

**Request for a Business License for Knighton Construction at 371 N. 100 E.**

Cole Knighton has submitted a request for a business license for Knighton Construction. He was present at the City Council Meeting and explained that he was planning to do construction management. Councilmember Callahan said that he had concerns of equipment being parked in the City right-of-way. Cole said that he had a half-acre lot with plenty of room and did not plan on parking anything in the City right-of-way. He said that the only equipment he would keep at the home was a small trailer. **Councilmember Callahan moved to approve the business license for Knighton Construction.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (A copy of the license application is included with the minutes as Attachment "B".)

**Request for a Business License for Liveit Global Marketing at 56 W. 300 N.**

Jason Dattage has submitted a request for a business license for Liveit Global Marketing for dog breeding services. He was present at the City Council Meeting and said that he has three dogs that he wants to breed. Councilmember Zollinger asked about the type of dog. Jason said that they were American Bulldogs, which make great family pets and are not overly aggressive. Councilmember Callahan stressed that Jason would need to review the code to ensure he was in compliance with the rules. Recorder Twedt said that as was the case with the other business license provided for dog breeding, this would require a variance from City Code due to the number of animals. Councilmember Zollinger read from City Code Chapter 6.08.020 and clarified that the number of dogs allowed by City Code applied to dogs over three months old. The Council discussed with Jason the number of dogs he expected to have at any one time. Jason said that he didn't plan to have more than ten dogs at any time. It was discussed that Jason would need to have a City kennel license. **Councilmember Zollinger moved to approve the business license for Liveit Global Marketing.** Councilmember Grange seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (A copy of the license application is included with the minutes as Attachment "C".)

**Request for a Business License for Lyon Fruit Orchard at 570 N. Main**

Bodie Lyon has submitted a request for a business license for Lyon Fruit Orchard. He was present at the City Council Meeting. He said he has a small orchard off of Main Street and would like to expand it. Bodie said that he was not selling the fruit. It was free to the community with the excess going to the food pantry. Councilmember Grange clarified that Bodie would not need a business license for what he was doing, but could get one if he liked. He thanked Bodie for his service to the community. Bodie said he would like to get the license. **Councilmember Grange moved to approve the business license for Lyon Fruit Orchard.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. Mr. Lyon thanked the Council. (A copy of the license application is included with the minutes as Attachment "D".)

**Consideration of a Resolution Adopting the 2020 Impact Fee Report**

Recorder Twedt reviewed the Impact Fee Report and associated resolution. He explained that there were road impact fee funds that the City would need to use in 2022 and 2023, but that this would be useful with everything happening with the sewer project.

**Councilmember Callahan moved to approve Resolution 2020-27.** Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment “E”).

**Setting of the 2021 Annual Meeting Schedule**

Mayor Hair asked the City Council if they would like to make any changes to the meeting schedule or keep it the same for 2021. The consensus of the City Council was to keep the meeting schedule the same for 2021. Recorder Twedt said that he would handle the required notifications and postings.

**Zollinger Estates Subdivision Review**

Recorder Twedt reviewed the discussion that had taken place in Planning and Zoning and the request for clarification from the Planning Commission regarding using the private lane as frontage for the three lots. He also said that although there were only three buildable lots, the subdivision would break one parcel into four parcels which was a major subdivision as defined by Millville City Code and there was still a moratorium on major subdivisions from the Bear River Health Department.

Mike and Lance Zollinger clarified that a change had been made after the Planning and Zoning Meeting. Recorder Twedt showed the updated plat map provided by the Zollingers. They had worked with the County to change the borders of parcel 02-117-0019 and parcel 02-117-0020 so that parcel 02-117-0019 was smaller and only contained the property that the Zollingers wanted to divide into the three buildable parcels as part of this subdivision. With this change, the subdivision would include three lots and not be classified as a major subdivision if the private lane remained private. (The updated plat map is included with the minutes as Attachment “F”).

Mayor Hair said that the road has been there a long time and has been maintained by the property owners that use it. He said that the City would need an easement for utilities, but that he felt the road should remain private. He said that he would prefer the City not maintain the road.

Lance said that there had been litigation that had granted the previous owner three additional accesses to the private road. Councilmember Wilker said that regardless of the litigation, allowing access from a private road would benefit Millville City. He said that it was important that people be allowed to use their private property. This development would add additional homes that would be paying in on the sewer which would benefit the rest of the residents of Millville.

Councilmember Callahan said that the issue was the ordinance that was adopted in 2018 that would require frontage from a public street. He said that he didn't agree with that ordinance and thought that this should be reviewed and potentially changed.

Councilmember Wilker said that he agreed.

Councilmember Zollinger asked why this ordinance had been adopted in 2018? What was the purpose of the change? Councilmember Grange said that this had been an attempt to clean up the code as it related to flag lots. There were different parts of the code that made it unclear on what was and wasn't allowed. Councilmember Callahan said that he and Councilmember Wilker voted against the ordinance in 2018. He said that he didn't want to tell people what they can and can't do with their property. Councilmember Grange said that he agreed, and he liked what was being proposed in this subdivision. The concern was that it was in conflict with current City Code.

Mayor Hair said that this was different than previous requests that the City has received. There is already a road here that has been used and maintained for years, the previous request was asking to add a new road that would access a new home.

Councilmember Callahan said that since this had already been adjudicated in court, he feels that the Council should approve this specific subdivision to move forward with use of the private lane for frontage and then review the code in the near future and see if some changes should be made.

**Councilmember Callahan motioned to approve the Zollinger Estates Subdivision as platted using the existing private road for access and recognize that it meets the requirements for frontage and that the City Council review this portion of the Code in the future.** Councilmember Wilker seconded.

Recorder Twedt noted that the subdivision would still need to go through the process with Planning and Zoning and then come back to the City Council for final approval.

Councilmember Callahan said that he agreed and that this motion was to approve the concept of the subdivision so that the Planning Commission had clarification on how to proceed.

Councilmember June asked who owned the road and who maintained it. Lance Zollinger said that it was owned by the people that lived on the road and that they shared the responsibility for maintenance of the road. They had been doing this for years.

Councilmember Grange said that the City might need to consider some requirements to ensure that easements are in place in case the City ever did need to take ownership of that road or if a City road needed to pass through that location. Mayor Hair said that the City would need the easements for utilities in that area. Public Works Director Chad Kendrick said that he agreed with Councilmember Grange and that they would need to follow set-back requirements and other City Codes with this development. Mayor Hair said that the City Council would pass this concern along to Planning and Zoning.

Councilmember Zollinger declared a conflict of interest that was noted by Mayor Hair. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes.

Councilmember Zollinger said that he liked Councilmember Callahan's request that the Council review this part of the code going forward. (A copy of the related Staff Report is included with the minutes as Attachment "G".)

#### **Kathlene Alder Request for Boundary-Line Adjustment with Providence**

Recorder Twedt said that Kathleen Alder had contacted him regarding this City boundary-line adjustment request that would move three of her parcels from Millville into Providence. Recorder Twedt said that Alder would need to complete the annexation of the property in the County before this would even be possible. Mayor Hair said that this would essentially create a peninsula for the west-most property in Millville. The City Council expressed concern about allowing this to happen. Recorder Twedt explained that this wasn't on the agenda for approval at this time, but just for an introduction about what is being requested. (A copy of the Staff Report is included with the minutes as Attachment "H".)

#### **Councilmember Assignments**

Mayor Hair showed the list of his proposed changes to the Councilmember Assignments for 2021. Councilmember Callahan requested to remain assigned to support for the sewer project. Mayor Hair made the change and then asked the Councilmembers to get with him if they had any concerns about the new assignments. (A copy of the 2021 Councilmember Assignments List is included with the minutes as Attachment "I".)

#### **City Reports**

Director of Public Works Chad Kendrick said that the parks have been quite empty as expected at this time of year except for the pickleball courts that are getting a lot of use from people from all over Cache Valley as most Cities take down their nets during the winter. Director Kendrick said that the tennis nets lasted many years without taking them down in the winters and by leaving them up, they extend the use of the City courts to residents of Millville and other neighboring cities.

Director Kendrick said that the well digger equipment had come in today. They have a lot of gear and are in the process of setting up so that they can begin. He said that Mayor Hair had generously been on-site with a front-end loader and grader to help get everything ready to go. The expectation is that the well construction will take approximately two months to complete.

**Councilmember Reports and Items for Future Agendas**

Councilmember Wilker thanked the Mayor for the Christmas letter and gift that was provided in place of being able to have the winter City social this year with the coronavirus pandemic.

Councilmember Grange asked that the Munson complaint against Stellar Auto be added to the next meeting agenda to discuss the issue in person with Beth Munson instead of continuing to discuss over email. Mayor Hair agreed and said that he had talked about this with staff earlier and that this was planned for the first meeting in January. The Council asked Recorder Twedt to invite Beth as they didn't want to discuss this in a meeting without her attendance.

Mayor Hair said that Development Coordinator Randy Wall has put in notice and is planning to resign. Randy said that he would stay on as Development Coordinator until the City was able to find a replacement.

Recorder Twedt reminded the Council that the next meeting, that would fall on Christmas Eve, had been cancelled.

Recorder Twedt also said that the audit was nearly done and had gone well. The audit report for the City Council would happen in January.

**Adjournment**

**Councilmember Zollinger moved to adjourn the meeting.** Councilmember Callahan seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. The meeting adjourned at 8:07 p.m.

## NOTICE AND AGENDA

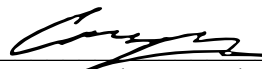
Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, December 10, 2020 as a Zoom electronic meeting.

Zoom Meeting URL: <https://us04web.zoom.us/j/3229544002>  
Zoom Meeting ID: 322 954 4002  
Dial-In Option: (408) 638-0968

1. Call to Order / Roll Call – Mayor Hair
2. Opening Remarks / Pledge of Allegiance – Councilmember Callahan
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – November 12, 2020
5. Agenda Items—
  - A. Report on P&Z Meetings held November 19, 2020 and December 3, 2020 – Dev. Coordinator Wall
  - B. Business License request for Knighton Construction at 371 N. 100 E. – Cole Knighton
  - C. Business License request for Liveit Global Marketing (Dog Breeding) at 56 W. 300 N. – Jason Dattage
  - D. Business License request for Lyon Fruit Orchard at 570 N. Main – Bodie Lyon
  - E. Consideration of Resolution Adopting 2020 Impact Fee Report – Recorder Twedt
  - F. Setting of the 2021 Annual Meeting Schedule – Mayor Hair
  - G. Zollinger Estates Subdivision Review – Recorder Twedt
  - H. Kathlene Alder request for Border-Line Adjustment with Providence – Recorder Twedt
  - I. Councilmember Assignments for 2021 – Mayor Hair
  - J. City Reports: Roads, Parks, Water – Public Works Director Kendrick
  - K. 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 7, 2020 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.

  
\_\_\_\_\_  
Corey Twedt, Recorder



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

## Attachment "B"

### CHECK APPLICABLE BOX

- |                                        |                                                |
|----------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Commercial    | <input type="checkbox"/> New Application       |
| <input type="checkbox"/> Home Business | <input type="checkbox"/> Application Amendment |
| <b>CHANGE OF:</b>                      |                                                |
| <input type="checkbox"/> Ownership     | <input type="checkbox"/> Business Name         |
| <input type="checkbox"/> Address       | <input type="checkbox"/> 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: Cole Knighton Contact Ph: (435) 994-1967

A. Business Name "DBA": Knighton Construction, LLC

B. Business Location: 371 N 100 E Millville, UT 84326  
Street Address (include unit #)

C. Mailing Address: Cole Knighton P.O. Box 794 Millville, UT 84326 ☐ Same as "B. Business Location"  
ATTN: Street (include unit#)/PO Box address City, State, Zip

D. Local Business Ph: (435) 994-1967 Fax: N/A www: N/A

### 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? 1 Working hours? 5-9

Where will they park? My garage

On-site customers? ☒ Yes ☐ No

If yes,  
 Up to how many per day? \_\_\_\_\_

Up to how many per week? 1 or 2

Where will they park? Driveway

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: 01/01/2021

#### This Business Includes:

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

### SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

I plan to be a general contractor for custom home building and small commercial projects. Project management will be done in my home. This is a part time business for myself. I may meet with a client in my home from time to time, but not often. A construction trailer may be parked at times on my property. I will have my contractors license finished by 1/1/2021. I need this license in order to submit my application to the state contractors board.

**SECTION IV: Additional Information**

- E. Utah State Tax Commission — Sales Tax Number: Still filing ☐ Not applicable
- F. State & federal regulatory agency licensing info: Still Filing ☐ 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: \_\_\_\_\_ ☐ 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: Cole Knighton Contact Ph. 435-994-1967Home Address: 371 N 100 E / PO Box 794 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: \_\_\_\_\_ 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
- 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.

Cole Knighton Cole Knighton 11/17/2020  
Signature of Owner/Authorized Agent Printed Name 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



## Millville City

PO Box 308  
510 East 300 South  
Millville, Utah 84326  
(435) 750-0924 corey@millvillecity.org  
[www.millvillecity.org](http://www.millvillecity.org)

## Attachment "C"

### CHECK APPLICABLE BOX

- |                                                   |                                                |
|---------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Commercial               | <input type="checkbox"/> New Application       |
| <input checked="" type="checkbox"/> Home Business | <input type="checkbox"/> Application Amendment |

### CHANGE OF:

- |                                    |                                               |
|------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Ownership | <input type="checkbox"/> Business Name        |
| <input type="checkbox"/> Address   | <input type="checkbox"/> 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: Jason Duttage Contact Ph: 435-757-7489

A. Business Name "DBA": Millville Liveit Global Marketing, LLC

B. Business Location: 56 West 300 North Millville, UT 84326  
Street Address (include unit #)

C. Mailing Address: PO Box 436 ☐ Same as "B. Business Location"  
ATTN: \_\_\_\_\_ Street (include unit#)/PO Box address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

D. Local Business Ph: 435-757-7489 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: Yard

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                                                                                                  |
|--------------------------|-----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Signage                                                         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Alcohol sales and/or services                                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Live entertainment on-site                                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Door-to-door solicitation                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Fireworks sales on-site                                         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Vending machines on-site                                        |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> On-site secondary business                                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> On-site events (ie. community party parking lot/sidewalk sales) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Investment advice and/or service                                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Pesticides use and storage                                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Hazardous materials use and storage                             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Vehicle sales                                                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Firearms or explosives sales                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Care of children or preschool                                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Any construction jobs over \$1,000                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Piercing, tattooing, perm, make-up                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Used merchandise transactions                                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Changes to existing garbage service                             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Vehicles, trailers, mowers, etc. (stores on site)               |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Electrical, plumbing, structural, or mechanical changes to site |

### SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

Dog Breeding and Marketing.

**SECTION IV: Additional Information**

- E. Utah State Tax Commission — Sales Tax Number: 45511003550 ☐ 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: Liveit Global Marketing 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: Jason Dattage Contact Ph. 435-757-7484

Home Address: 56 West 300 North / PO Box 436 Millville Utah 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                            |
|----------------------------------------|--------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Owner         | <input checked="" type="checkbox"/> Member | <input type="checkbox"/> President     |
| <input type="checkbox"/> Local Manager | <input type="checkbox"/> Manager           | <input type="checkbox"/> Director      |
|                                        | <input type="checkbox"/> Local Manager     | <input type="checkbox"/> Officer       |
|                                        |                                            | <input type="checkbox"/> Local Manager |

**Officers (2)**

Officer Name: Melissa Dattage Contact Ph. 435-757-6550

Home Address: 56 West 300 North / PO Box 436 Millville Utah 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                            |
|----------------------------------------|--------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Owner         | <input checked="" type="checkbox"/> Member | <input type="checkbox"/> President     |
| <input type="checkbox"/> Local Manager | <input type="checkbox"/> Manager           | <input type="checkbox"/> Director      |
|                                        | <input type="checkbox"/> Local Manager     | <input type="checkbox"/> Officer       |
|                                        |                                            | <input type="checkbox"/> 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: Jason Dattage Date: 11/8/2020

**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: \_\_\_\_\_

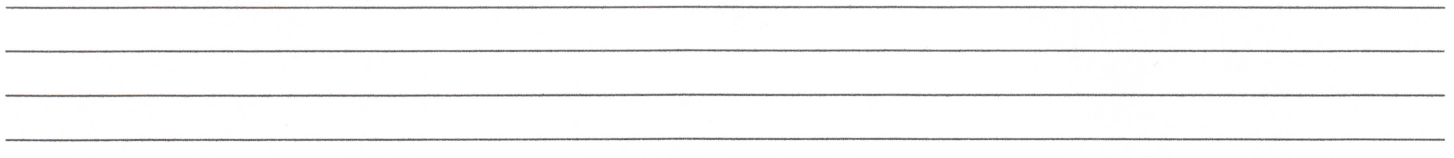
☐ Yes ☐ No City Council grants permission Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FEES ☐ \$25.00

☐ EXEMPT

PAYMENT TYPE

☐ RECEIPT



**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:** none ☐ Not applicable
- I. Previous Business Location:** n/a ☐ 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: Bodie Lyon Contact Ph. 435-764-6241

Home Address: 5675 North Main Box 234 Millville Utah 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.

**Entity Type Selections:**  
Sole Prop./Partnership: ☒ Owner ☐ Local Manager  
LLC: ☐ Member ☐ Manager ☐ Local Manager  
Corporation: ☐ President ☐ Director ☐ Officer ☐ Local Manager

**Officers (2)**

Officer Name: Brigitte Lyon Contact Ph. 214 801 2609

Home Address: 565 North Main Millville, UT  
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.

**Entity Type Selections:**  
Sole Prop./Partnership: ☐ Owner ☐ Local Manager  
LLC: ☐ Member ☐ Manager ☐ Local Manager  
Corporation: ☐ President ☐ Director ☒ 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](http://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: Bodie Lyon Printed Name: Bodie LYON Date: 11/19/20

**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 Lyon Fruit Orchard

Owner Name Bodie Lyon

Business Address 570 NORTH Main Millville, VT

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:

I am a 100% Disabled Veteran

please see Attachment.

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

Bodie Lyon  
Signature

11/19/20  
Date

**MILLVILLE CITY  
RESOLUTION 2020-27**

**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 2020 Millville City Impact Fee Report.

Passed and approved by the Millville City Council this 10th day of December 2020.



SIGNED:

  
David Hair, Mayor

ATTEST:

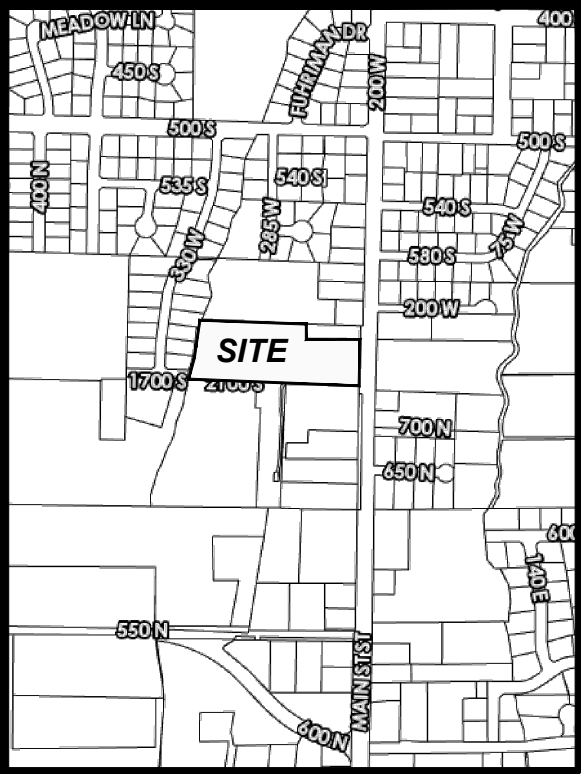
  
Corey Twedt, City Recorder

| COUNCILMEMBER    | YES | NO | ABSENT | ABSTAIN |
|------------------|-----|----|--------|---------|
| Michael Callahan | X   |    |        |         |
| Daniel Grange    | X   |    |        |         |
| Clay G. Wilker   | X   |    |        |         |
| Pamela June      | X   |    |        |         |
| Ryan Zollinger   | X   |    |        |         |

**Millville City**  
**Impact Fee Schedule**  
**Fiscal Year Ended June 30, 2020**

| <b>Projects From Which Funds Were Collected</b>                                                                         | <b><u>Parks</u></b> | <b><u>Roads</u></b> | <b><u>Water</u></b> | <b><u>TOTAL</u></b> |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|---------------------|---------------------|
| FY2016 - Impact Fees Collected and Interest Income                                                                      | \$ 31,009           | \$ 23,415           | \$ -                | \$ 54,424           |
| 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)                                                                 | \$ 147,652          | \$ 49,685           | \$ -                | \$ 197,337          |
| FY2020 - Impact Fees Collected (see detail spreadsheet)                                                                 | \$ 85,280           | \$ 28,160           | \$ 48,800           | \$ 162,240          |
| FY2020 - Interest Income                                                                                                | \$ 5,428            | \$ 3,220            | \$ -                | \$ 8,648            |
| <b><i>Subtotal</i></b>                                                                                                  | <b>\$ 489,540</b>   | <b>\$ 196,545</b>   | <b>\$ 48,800</b>    | <b>\$ 734,885</b>   |
| Park impact fees spent - South Park sprinklers and pickleball courts                                                    | \$ (410,160)        | \$ -                | \$ -                | \$ (410,160)        |
| Road impact fees spent - 550 E project                                                                                  | \$ -                | \$ (37,295)         | \$ -                | \$ (37,295)         |
| Water impact fees spent on principal and interest payments for the bonds for 1997 Reservoir and 2006 Reservoir Projects | \$ -                | \$ -                | \$ (48,800)         | \$ (48,800)         |
| <b><i>Total Impact Fees and Interest on Hand at June 30, 2020</i></b>                                                   | <b>\$ 79,380</b>    | <b>\$ 159,250</b>   | <b>\$ -</b>         | <b>\$ 238,630</b>   |

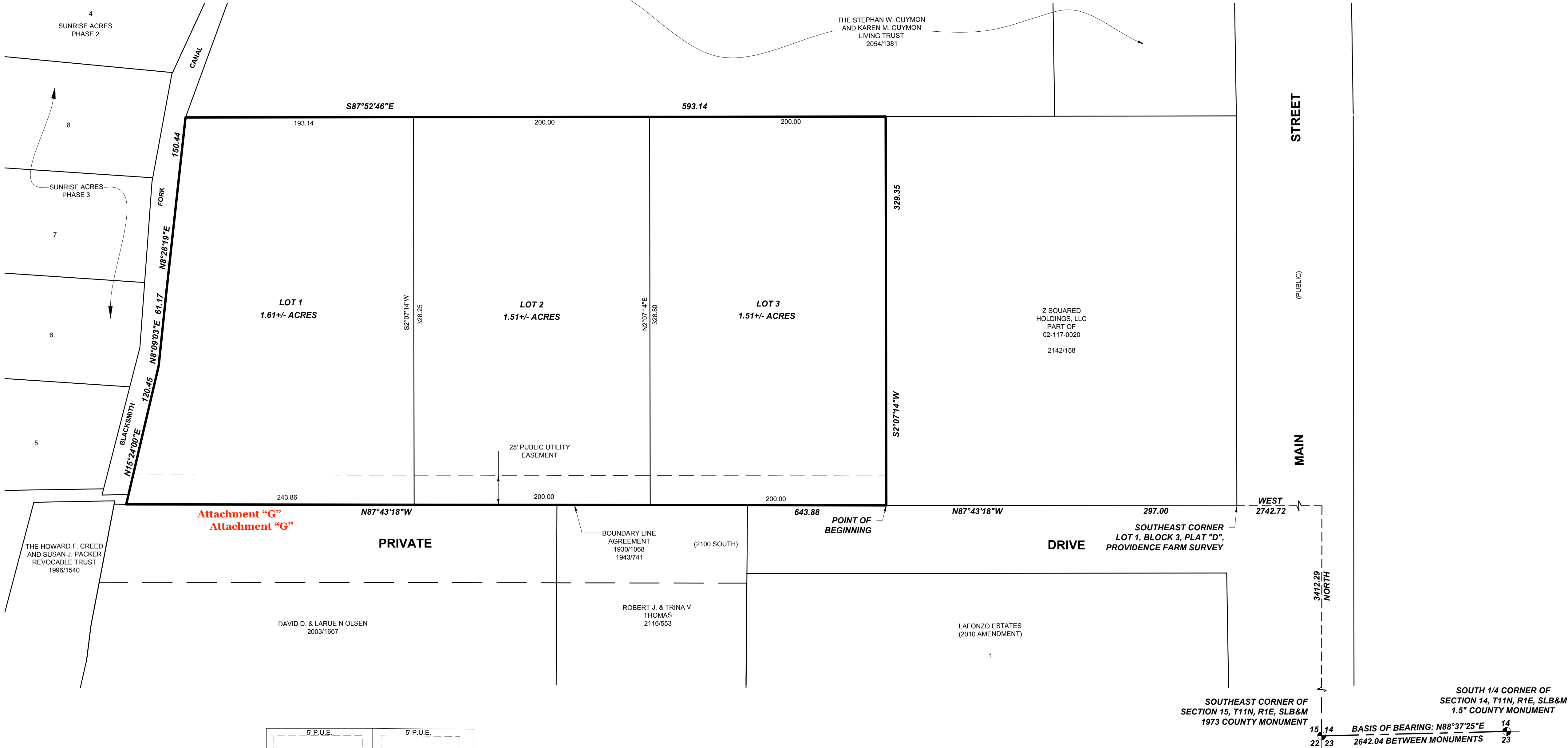
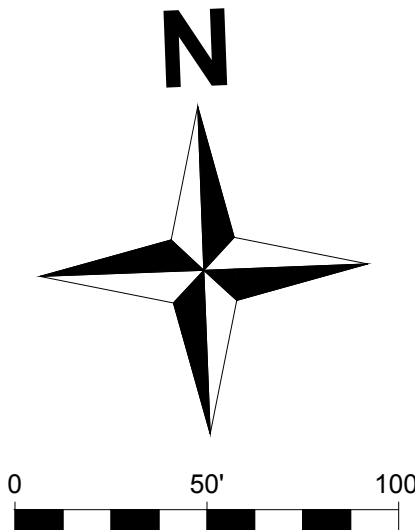
| <b>Future Expected Expenditures of Impact Fees on Hand by Project by Fee Type</b> | <b><u>FY2021</u></b> | <b><u>FY2022</u></b> | <b><u>FY2023</u></b> | <b><u>TOTAL</u></b> |
|-----------------------------------------------------------------------------------|----------------------|----------------------|----------------------|---------------------|
| <b>Park Expenditures</b>                                                          |                      |                      |                      |                     |
| No projects currently planned                                                     | \$ -                 | \$ -                 | \$ -                 | \$ -                |
| <b>Road Expenditures</b>                                                          |                      |                      |                      |                     |
| Waiting to see impact of sewer project on city's roads                            | \$ -                 | \$ 23,415            | \$ 46,887            | \$ 70,302           |
|                                                                                   | \$ -                 | \$ 23,415            | \$ 46,887            | \$ 70,302           |
| <b>Water Expenditures</b>                                                         |                      |                      |                      |                     |
| Bond payments for 1997 Reservoir and 2006 Reservoir Projects                      | \$ -                 | \$ -                 | \$ -                 | \$ -                |
| <b><i>Impact Fees Projected for Expenditures</i></b>                              | <b>\$ -</b>          | <b>\$ 23,415</b>     | <b>\$ 46,887</b>     | <b>\$ 70,302</b>    |



VICINITY MAP  
NTS

FINAL PLAT  
OF  
**ZOLLINGER ESTATES SUBDIVISION**  
LOCATED IN THE NW1/4 OF SECTION 15, T11N, R1E, SLB&M  
MILLVILLE, UTAH

Attachment “F”



NOTES

- #5 REBAR & CAP TO BE SET AT ALL LOT CORNERS.
- LOTS 1-3 SHALL BE ACCESSED VIA PRIVATE DRIVE.

PUBLIC UTILITY EASEMENT DETAIL

| PLANNING COMMISSION APPROVAL AND ACCEPTANCE                                                                                                                           | ENGINEER'S APPROVAL                                                                                                                                      | ATTORNEY APPROVAL                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| PRESENTED TO THE MILLVILLE CITY PLANNING COMMISSION THIS _____ DAY OF _____, 20____, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. | I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE. | APPROVED AS TO FORM THIS _____ DAY OF _____, 20____. |
| _____<br>PLANNING COMMISSION CHAIR                                                                                                                                    | _____<br>CITY ENGINEER                                                                                                                                   | _____<br>CITY ATTORNEY                               |
| _____<br>DATE                                                                                                                                                         | _____<br>DATE                                                                                                                                            | _____<br>DATE                                        |

| UTILITY COMPANIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |                                  |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------|------------|
| THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                  |            |
| DOMINION ENERGY* _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DATE _____ | ROCKY MOUNTAIN POWER _____       | DATE _____ |
| COMCAST CABLE _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | DATE _____ | CENTURYLINK COMMUNICATIONS _____ | DATE _____ |
| *DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFORMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532. |            |                                  |            |

SURVEYOR'S CERTIFICATE

I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNER(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THE PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 172675

DATE

BOUNDARY DESCRIPTION

A portion of Lot 1, Block 3, Plat “D”, PROVIDENCE FARM SURVEY, located in the NW1/4 of Section 15, Township 11 North, Range 1 East, Salt Lake Base & Meridian, Cache County, Utah, more particularly described as follows:  
Beginning at a point located N87°43'18" W 297.00 feet from the southeast corner of Lot 1, Block 3, Plat “D”, PROVIDENCE FARM SURVEY as defined and described in Cache County Survey File No. 2001-009, said southeast corner being located North 3,412.29 feet and West 2,742.72 feet from the Southeast Corner of Section 15, T11N, R1E, S.L.B. & M. (Basis of Bearing: N88°37'25" E along the Section line between the Southeast Corner of Section 15 and the South 1/4 Corner of Section 14, T11N, R1E, S.L.B. & M.); thence N87°43'18" W 643.88 feet along the extension of, and along a Boundary Line Agreement recorded in Deed Book 1930 Page 1068 of the Official Records of Cache County; thence along the extension of, and along the easterly line of that Real Property described in Deed Book 1760 Page 1567 of the Official Records of Cache County the following 3 (three) courses and distances: N15°24'00" E 120.45 feet; thence N8°09'03" E 61.17 feet; thence N8°28'19" E 150.44 feet to the southwest corner of that Real Property described in Deed Book 2054 Page 1381 of the Official Records of Cache County, said property also shown and described in Cache County Survey File No. 2018-0212; thence S87°52'46" E along said deed and Survey 593.14 feet; thence S2°07'14" W 329.35 feet to the point of beginning.  
Contains: 4.63+/- acres

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOW AS:

ZOLLINGER ESTATES SUBDIVISION

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

\_\_\_\_\_  
(SIGNATURE)  
Z SQUARED HOLDINGS, LLC  
BY: \_\_\_\_\_  
(PRINTED NAME)  
ITS: \_\_\_\_\_

LIMITED LIABILITY ACKNOWLEDGMENT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE \_\_\_\_\_ OF Z SQUARED HOLDINGS, LLC AND THAT THIS DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC (SIGNATURE)  
RESIDING IN \_\_\_\_\_ COUNTY  
MY COMMISSION No. \_\_\_\_\_  
PRINTED FULL NAME OF NOTARY

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE MILLVILLE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MILLVILLE CITY MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

MILLVILLE CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

FINAL PLAT  
OF  
**ZOLLINGER ESTATES SUBDIVISION**  
LOCATED IN THE NW1/4 OF SECTION 15, T11N, R1E, SLB&M  
MILLVILLE, UTAH

RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF:  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
\$ \_\_\_\_\_  
FEE \_\_\_\_\_  
CACHE COUNTY RECORDER

civilsolutionsgroupinc.

CACHE VALLEY | P: 435.213.3762  
SALT LAKE | P: 801.216.3192  
UTAH VALLEY | P: 801.874.1432  
info@civilsolutionsgroup.net  
www.civilsolutionsgroup.net

**ROCKY MOUNTAIN POWER**  
1. PURSUANT TO UTAH CODE ANN. § 53-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.  
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(e)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:  
(1) A RECORDED EASEMENT OR RIGHT OF WAY  
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS  
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND FACILITIES OR  
(4) ANY OTHER PROVISION OF LAW.

THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED.

|                        |            |                                  |            |
|------------------------|------------|----------------------------------|------------|
| DOMINION ENERGY* _____ | DATE _____ | ROCKY MOUNTAIN POWER _____       | DATE _____ |
| COMCAST CABLE _____    | DATE _____ | CENTURYLINK COMMUNICATIONS _____ | DATE _____ |

\*DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFORMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.



## **AGENDA REPORT: ZOLLINGER ESTATES SUBDIVISION**

**December 10, 2020**

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### **Background**

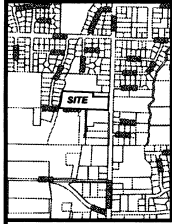
At the Planning and Zoning Meeting held 12/3/20, the Conceptual Review was held for the Zollinger Estates Subdivision. This subdivision would divide parcel 02-117-0019 into four separate parcels. Two issues came up in that meeting for which the Planning Commission requested guidance of the City Council.

The three buildable lots created by this subdivision would access the existing private road south of the property. In April of 2018, the City Council adopted Ordinance 2018-3 that defined frontage rules for lots to a public street. In January of 2020, a request from a resident requesting use of a public road was reviewed and denied by the City Council. The Zollingers have said that there was a lawsuit regarding this private lane that would allow for new homes to be built there without the road having to be turned over to the City.

The other issue that came up is that this is a Major Subdivision by definition according to City Code (more than three lots). Only three of the four lots are intended for development and one of the lots is planned to be designated as unbuildable. According to the moratorium set by the Bear River Health Department, Millville City is not allowed to approve any subdivisions with more than three lots at this time. Even though this subdivision only has three buildable lots, it does have a total of four lots. The Planning Commission was not comfortable proceeding without indication from the Health Department and City Council that the moratorium has been lifted for subdivisions with more than three lots.

### **Included Documents**

- Zollinger Estates Subdivision Plat
- Ordinance 2018-3 that changed the definition of frontage
- CC Minutes excerpt from 4/12/18 when Ordinance 2018-3 was adopted
- CC Minutes excerpt from 1/23/20 with review Justin Card private road request



VICINITY MAP

FINAL PLAT  
OF  
**ZOLLINGER ESTATES SUBDIVISION**  
LOCATED IN THE NW1/4 OF SECTION 15, T11N, R1E, SLB&M  
MILLVILLE, UTAH



**SURVEYOR'S CERTIFICATE**

I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 3A, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNER(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED IN THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL, BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THE PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 172675

DATE

**BOUNDARY DESCRIPTION**

A portion of Lot 1, Block 3, Plat "D", PROVIDENCE FARM SURVEY, located in the NW1/4 of Section 15, Township 11 North, Range 1 East, Salt Lake Base & Meridian, Cache County, Utah, more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 3, Plat "D", PROVIDENCE FARM SURVEY, as defined and described in Cache County Survey File No. 2001-009, said southeast corner being located North 3,412.29 feet and West 2,342.72 feet from the Southeast Corner of Section 15, T11N, R1E, S.L.B.&M. (thence bearing: N87°52'46"E along the Section line between the Southeast Corner of Section 15 and the South 1/4 Corner of Section 14, T11N, R1E, S.L.B.&M.); thence N87°43'19"W 940.88 feet along the extension of, and along a Boundary Line Agreement recorded in Deed Book 1950 Page 1048 of the Official Records of Cache County; thence along the extension of, and along the easterly line of that Real Property described in Deed Book 1760 Page 1567 of the Official Records of Cache County the following 3 (three) courses and distances: N15°24'0"E 120.45 feet, thence N6°09'0"E 41.17 feet, thence N8°28'19"E 150.44 feet to the southwest corner of that Real Property described in Deed Book 2004 Page 1381 of the Official Records of Cache County, said property also shown and described in Cache County Survey File No. 2019-2212; thence S87°52'46"E along and deed and Survey 593.14 feet; thence S2°07'14"W 95.70 feet; thence S27°22'46"E 297.00 feet to the west line of Main Street; thence S2°07'14"W along said street 234.47 feet to the point of beginning. Contain: 0.231+ acres

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS:

**ZOLLINGER ESTATES SUBDIVISION**

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

(SIGNATURE) \_\_\_\_\_

BY: (PRINTED NAME) \_\_\_\_\_

ITS: \_\_\_\_\_

**LIMITED ACKNOWLEDGMENT**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE \_\_\_\_\_ AND THAT THIS DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID ACKNOWLEDGED TO ME THAT SAID CORPORATION ENJOYED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_  
RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION NO. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY

**CITY COUNCIL APPROVAL AND ACCEPTANCE**

PRESENTED TO THE MILLVILLE CITY COUNCIL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MILLVILLE CITY MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

MILLVILLE CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

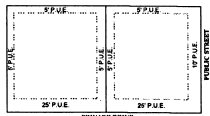
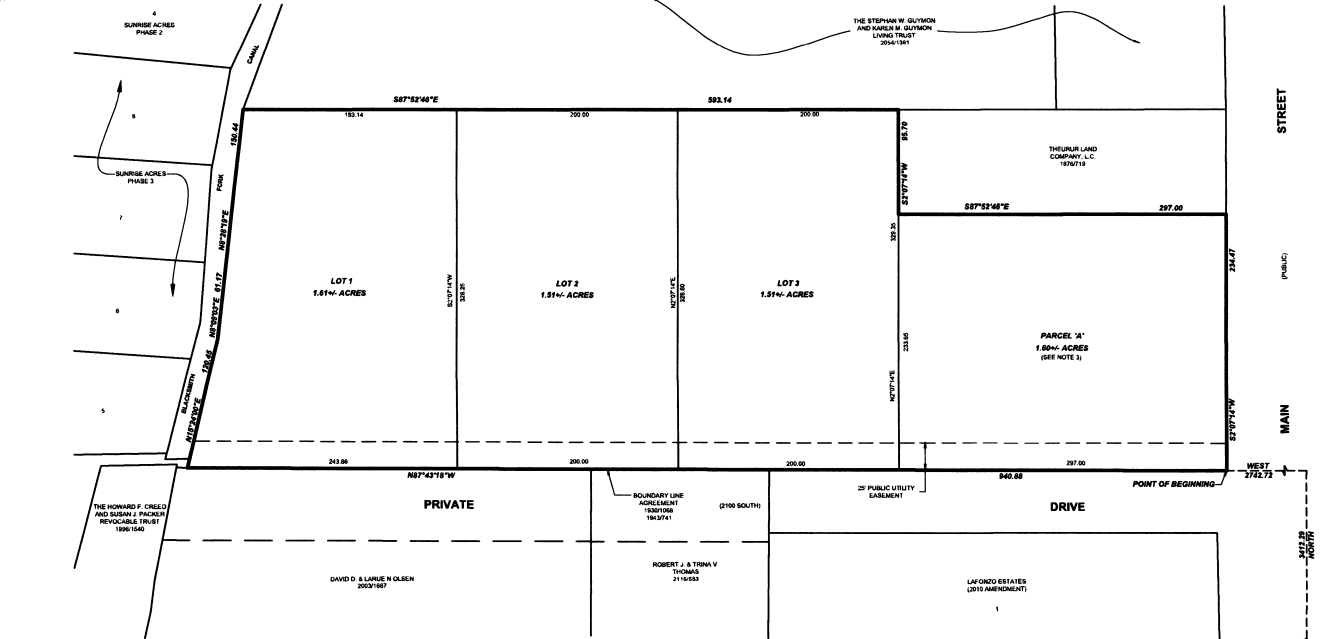
FINAL PLAT  
OF  
**ZOLLINGER ESTATES SUBDIVISION**  
LOCATED IN THE NW1/4 OF SECTION 15, T11N, R1E, SLB&M  
MILLVILLE, UTAH

**RECORDED #**

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BY: \_\_\_\_\_ PAGE: \_\_\_\_\_

\$ \_\_\_\_\_ CACHE COUNTY RECORDER



- NOTES**
1. 5" REBAR & CAP TO BE SET AT ALL LOT CORNERS.
  2. LOTS 1-3 SHALL BE ACCESSED VIA PRIVATE DRIVE.
  3. PARCEL 'A' IS A NON-BUILDABLE REMAINDER PARCEL.

**PUBLIC UTILITY EASEMENT DETAIL**

**PLANNING COMMISSION APPROVAL AND ACCEPTANCE**

PRESENTED TO THE MILLVILLE CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

**ENGINEER'S APPROVAL**

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**ATTORNEY APPROVAL**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**civilsolutionsgroup inc.**  
CACHE VALLEY | P: 435.213.3762  
SALT LAKE | P: 801.216.3192  
UTAH VALLEY | P: 801.874.1432  
info@civilsolutionsgroup.net  
www.civilsolutionsgroup.net



**ROCKY MOUNTAIN POWER**

1. PURSUANT TO UTAH CODE ANN. § 53-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. § 17-27A-604(K)(4) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

- (1) A RECORDED EASEMENT OR RIGHT OF WAY
- (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
- (3) TITLE 54, CHAPTER 16, DAMAGE TO UNDERGROUND FACILITIES OR
- (4) ANY OTHER PROVISION OF LAW.

THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED:

DOMINION ENERGY \_\_\_\_\_ DATE \_\_\_\_\_ ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_

COMCAST CABLE \_\_\_\_\_ DATE \_\_\_\_\_ CENTURYLINK COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

\*DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABIGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-368-6552.

**MILLVILLE CITY  
ORDINANCE NO. 2018 - 3**

**AN ORDINANCE REVISING THE DEFINITION OF "FRONTAGE" IN  
SECTION 17.08.020 OF THE MILLVILLE CITY CODE**

WHEREAS, Millville City Council recognized the need for a change to be made to the zoning ordinance to reduce confusion concerning the definition of the word "frontage"; and

WHEREAS, the Millville Planning Commission reviewed the ordinance and held a public hearing to receive input on April 5, 2018; and

WHEREAS, the Millville City Council reviewed the ordinance at the City Council meeting held April 12, 2018;

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

**17.08.020: DEFINITION OF TERMS - Frontage**

REPEAL:

FRONTAGE: All property fronting on a public street; the length of the lot line adjacent to a public or private street.

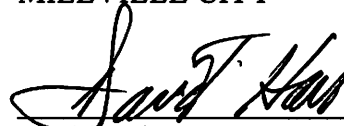
ADOPT:

FRONTAGE: All property fronting on a public street; the length of the lot line adjacent to a public street.

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 April, 2018.

MILLVILLE CITY

  
\_\_\_\_\_  
David Hair, Mayor

ATTEST:

  
Corey Twedt, City Recorder



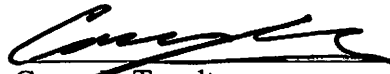
| COUNCIL MEMBER   | YES | NO | ABSENT | ABSTAIN |
|------------------|-----|----|--------|---------|
| Michael Callahan |     | X  |        |         |
| Cindy Cummings   | X   |    |        |         |
| Clay Wilker      |     | X  |        |         |
| Mark Williams    | X   |    |        |         |
| Daniel Grange    | X   |    |        |         |

POSTED: 4/12/18

I, Corey P. Twedt, City Recorder of Millville, Cache County, Utah hereby certify that I, on the 12 day of April, 2018 in the City of Millville, County of Cache, State of Utah, posted the foregoing Code Amendment Ordinance 2018-3 in a likely manner, a copy of which is hereto attached, in each of the three of the most public places in the said City of Millville, to wit:

1. Millville City Office - 510 East 300 South
2. Millville City North Park - 430 North 100 East
3. Millville City Post Office - 70 West 200 North

WITNESS my hand this 12 day of April, 2018

  
Corey P. Twedt

The compaction requirements for the road and warranty period were also briefly discussed. Engineer Zan Murray explained that when the subdivision is accepted, the City would check for issues and track them during the warranty period to see if they got worse. He suggested that video documentation of the infrastructure might be useful for comparison. Councilmember Grange said that he would hate for the City to have to pay for repairs caused by developer mistakes.

Councilmembers Callahan, Cummings, Grange, Wilker and Williams voted yes. (The adopted resolution is included with the minutes as Attachment “E”).

**Consideration of Adopting Ordinance Modifying Corner Lot Setback Requirements**

Councilmember Cummings presented the ordinance modifying the Corner Lot Setback Requirements. This ordinance has both been discussed previously in a City Council Meeting and recommended by P&Z. There was no public comment in the Public Hearing that was held in P&Z.

**Councilmember Grange moved to approve Ordinance 2018-2, An Ordinance modifying the Corner Lot Setback Requirements.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Grange, Wilker and Williams voted yes. (The adopted ordinance is included with the minutes as Attachment “F”).

**Consideration for Adopting Ordinance Modifying the Definition of “Frontage” in the Millville City Code.**

Development Coordinator Meadows presented the ordinance and the proposed update to the definition of the word “Frontage.”

Councilmember Grange said that the concern from the Planning and Zoning Commission was that this would be closing the door on all private roads. The Commission had commented that they were in favor of this ordinance 90% of the time, but there are some circumstances where they don’t think it should be enforced.

Mayor Hair said that his concern was the conflicts in the current code. This ordinance is meant to clean that up and make the code more clear. The intent of the code had been in place, but this loophole needed to be closed to prevent confusion.

Councilmember Wilker asked how long this had been an ordinance. Development Coordinator Meadows said that it has been in place since 1973. Councilmember Wilker asked if there had been any other problems in the past aside from the recent issue with this portion of the code. Councilmember Grange said that he wasn’t aware of this coming up before and that it took some digging from Coordinator Meadows to identify the issue. Likely this would have come up before if it had been known.

Development Coordinator Meadows commented that other code still remains that deals with private lanes. Private roads are still allowed on private property. The ordinance being

discussed tonight relates to Title 17 and only applies to building permits. Frontage is not calculated based on private roads. Councilmember Cummings agreed that you should be able to put a private road on your property if you want.

Councilmember Wilker expressed concern about the code that references frontage in relation to the front door of a home. He said he felt it shouldn't matter which way the front door faces. He discussed his home specifically. Development Coordinator Meadows said that if the 100 West Road went through, it would provide the frontage and Councilmember Wilker's home is based on frontage from this hypothetical 100 West Road.

Councilmember Cummings said that this conversation about front doors was not pertinent to the ordinance being reviewed and could be discussed at a different time.

Councilmember Grange said that he felt that the commission was concerned that the ordinance was meant to cut out private roads completely. That is not what is being done. This ordinance is meant to clean up the confusion in the code and clarify what is a buildable lot based on the frontage of the property.

Councilmember Callahan said that this change would be consistent to the decisions that had been made by the Council. This would update the code to match what has been done in practice all along. He said he has some concerns about this in that he felt the City should not be telling people what they could do on their own private property.

Development Coordinator Meadows said that this was needed for emergency services and that there is a standard that needs to be kept so that they can find the homes in case of emergency. Councilmember Wilker disagreed and said that there are flag lots all over Logan City and that this doesn't cause issues for emergency services.

**Councilmember Cummings moved to approve Ordinance 2018-3.** Councilmember Grange seconded. Councilmember Wilker said that he doesn't feel good about this ordinance. If someone has property and a private lane and want to build a home for a family member with frontage off of that private lane, they should be able to do so. Councilmembers Cummings, Grange and Williams voted yes and Councilmembers Callahan and Wilker voted no. The motion passed. (The adopted ordinance is included with the minutes as Attachment "G".)

### **Consideration for Adopting Ordinance Modifying the Business License Code Concerning Late Fees and Certificate Requirements**

Recorder Twedt reported that 27% of the renewed business licenses this year were late in their renewals. In the past, these were printed individually on a typewriter and it didn't matter as much when they came in. They are now done as a batch in groups and it requires extra time and work to do them a little at a time. The reason for the ordinance is to encourage business owners to be responsible and seek renewals in a timely manner.

be an issue in the long term as it is showing you won't have the funds to cover replacement costs for infrastructure. Recorder Twedt said that this came up in the 2018 audit as a potential concern. As a result, the Council had adopted two resolutions increasing storm water fees for new development as well as increasing the monthly ongoing stormwater fees paid by each resident. With development starting back up again in the City, he said he expected to see this concern fixed in the near future. Mr. Kidman said that this was great to see solutions put in place for concerns identified in the audit.

Page 59 of the audit reviews the budget to ensure that overspending does not happen without City Council approval. Mr. Kidman said that he didn't have any concerns with the budget. Mike said that there were no concerns found in the audit of internal controls or compliance with City Code.

In the review of compliance with State laws, they had a comment concerning the amount of money in the General Fund. More of these funds should be transferred to the Capital Projects Fund in the future. Mike said that this was a small issue and that he was not too concerned about it.

Mr. Kidman said that the audit went well and that he feels good about the results and the financial status of the City.

Councilmember Callahan briefly discussed the bonds for upcoming projects. Mr. Kidman said that the City is doing okay financially and should get good bond ratings. He said that the City has historically been prudent with expenditures and there are reserves in place. He thinks that the City will be fine.

**Councilmember Callahan moved to adopt the Fiscal Year 2019 Financial Audit Report.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the financial audit is available for review at the City Office or by request.)

#### **Subdivision Request and Frontage Waiver**

Justin Card has made a request to subdivide parcel 03-030-0016 at 34 North Main into two separate lots. The second lot would need to be accessed by a private road and would need a waiver on frontage requirements from the City Council. Justin said that he would like to take advantage of the upcoming sewer project and request that sewer be stubbed to the proposed new lot. The new lot would have a combined 79' of frontage split between Center Street and Main Street.

Councilmember Callahan said that his biggest concern is that this would create a flag lot which have not historically been allowed. Councilmember Zollinger clarified that Millville has a number of lots like this that already exist. Changes have been made to the City Code that no longer allow them. Mayor Hair pointed out that there was a code change in approximately 1974 that stopped permitting this type of subdivision. Subdivisions that happened prior to this change were grandfathered in.

Councilmember Wilker asked about a private lane being counted as frontage. Development Coordinator Harry Meadows said that current code requires 108' of frontage on a public right-of-way. He also said that Chapter 16 of the City Code allowed for the possibility of a waiver from the City Council. Mayor Hair clarified that the waiver was intended for a significant hardship and not a way to get around the City Code.

Councilmember Zollinger said that it would be different if the lot already existed without the required frontage. Creating a new subdivision and lot that did not meet City Code requirements would be stepping beyond what the City Council was permitted to do.

Councilmember Callahan also expressed concern in setting a precedent that would require allowing more of these types of requests and lots throughout the City. Mayor Hair agreed and pointed out that Mackay Moore had recently made a similar request regarding a waiver on the frontage requirement and it had not been granted.

Councilmember Callahan said that he was personally disinclined to allow this. He said that the code had been established for a reason and it didn't make sense to ignore their own zoning laws.

**Councilmember Callahan motioned to not allow a waiver of frontage requirements for the Justin Card subdivision.** He apologized to Mr. Card for the decision.

Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the information reviewed is included with the minutes as Attachment "C".)

#### **Report on P & Z Meeting held January 16, 2020**

Development Coordinator Meadows reviewed with the Council the Planning Commission's draft minutes for the meeting held January 16, 2020. Councilmember Callahan said that he attended the meeting and that there had been some discussion on minimum lot sizes as a response to the City Council discussion on the same topic. Councilmember Callahan pointed out that smaller lots and multi-family housing was not a requirement from the State. Councilmember Zollinger reiterated that City zoning only allowed for a minimum of 1/3-acre lots.

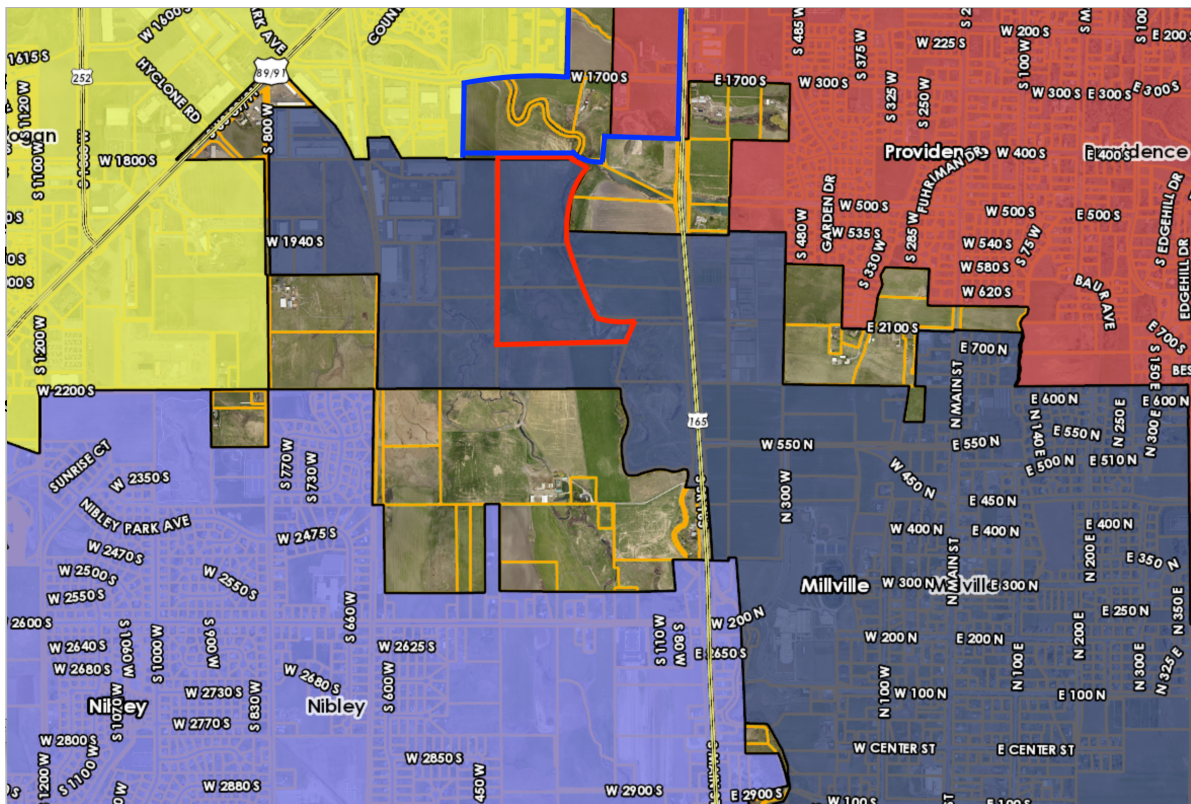
Mayor Hair said that the engineers had determined that the sewer lines that had been installed with the Ridgeline School development would not accommodate multi-family housing on the undeveloped property north of the high school. About a year ago, a developer had requested condos in that location. We now know that the current sewer lines can only accommodate a minimum of 1/3-acre lots in that part of the City.

Councilmember Wilker pointed out that if a land-owner needed to sell land to bring in revenue, they would now have to pay to get sewer lines to the property. The value of what you have begins to diminish as the cost for development increases.

**December 10, 2020**

The City received a call from Kathleen Alder who said she has spoken with Providence City and would like to pursue a border-line adjustment to move three of her parcels from Millville into Providence. The three parcels are 03-002-0001, 03-002-0002 and 03-002-0009 which total approximately 50.39 acres.

The map below shows the junction between Millville (dark blue), Providence (pink), Nibley (light blue), Logan (yellow) and the County (unshaded). The red outline shows the three Millville Alder parcels that are being considered for border-line adjustment. The blue outline shows other Alder parcels that reside in Providence and unincorporated Cache County. This is on the agenda today just so that you are aware of what is being requested. No motion is needed at this time.



## **Councilmember Assignments 2021**

Updated 12/10/20

### **Councilmember Daniel Grange**

- Sewer
- Fire/EMS/Emergency Preparedness

### **Councilmember Ryan Zollinger**

- Ordinance Enforcement
- Fiber Internet
- Sewer Support
- Trails

### **Councilmember Clay Wilker**

- Animal Control
- City Celebration Support
- Youth Council and Parades

### **Councilmember Pamela June**

- City Events (Millville Days/ Night Out Against Crime, Easter, Christmas, Fair Booth)
- P&Z

### **Councilmember Michael Callahan**

- Water
- Wildfire
- P&Z Support
- Sewer Support