

NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, July 8, 2021, at the Millville City Office, 510 East 300 South in Millville, Utah, at 7:00 p.m.

1. Call to Order / Roll Call – Mayor Hair
2. Opening Remarks / Pledge of Allegiance – Councilmember Zollinger
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – June 24, 2021
5. Agenda Items—
 - A. Public Comment Period (2 min/person)
 - B. Report on P&Z Meeting held July 1, 2021 – Dev. Coordinator Everton
 - C. Bio Minerals Conditional Use Permit – Mike Morgan
 - D. Report from Millville City CVTD Representative – Lieren Hansen
 - E. City-Purchased Fence Request along Humphreys property – Mayor Hair
 - F. Update to Noticing Requirements in City Code 17.76.050 – Recorder Twedt
 - G. Open and Public Meeting Training – Recorder Twedt
 - H. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - I. Councilmember Reports and Other Items for Future Agendas
 - J. Closed Session to Discuss Open Litigation
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 July 5, 2021 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
June 24, 2021

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Melisa Kim Casselman, Bryce Casselman, Craig Humphreys, Robert Cudney, Bob Humphreys, Donna Jean Humphreys, Brian Jenkins, Mike Rutledge

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for June 24, 2021 at 7:00 p.m. The roll call indicated Mayor Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger and Clay Wilker with Councilmember Daniel Grange to arrive later. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Mayor Hair showed a video on the history of the Star-Spangled Banner. He then welcomed everyone to the City Council Meeting and offered a word of prayer.

Approval of Agenda

The agenda for the City Council Meeting of June 24, 2021 was reviewed. **Councilmember Wilker moved to approve the agenda for June 24, 2021.** Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later. (A copy of the agenda is included as Attachment “A”.)

Approval of Minutes of the Previous Meeting

The Council reviewed the minutes of the City Council Meeting for June 10, 2021. **Councilmember Callahan moved to approve the minutes for June 10, 2021 as well as the minutes from the Executive Session on that date.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later.

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 June 17, 2021

Mayor Hair reviewed with the Council the Planning Commission's draft minutes for the meeting held June 17, 2021.

Request for a Business License for Sang Tao Corporation

Bryce Casselman has submitted a request for a business license for Sang Tao Corporation at 250 East 450 North. He was present at the City Council Meeting and explained that he does contract writing from his home. **Councilmember Wilker moved to approve the business license for Sang Tao Corporation.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later. (A copy of the license application is included with the minutes as Attachment "B".)

PUBLIC HEARING

Councilmember Wilker motioned to begin the public hearing. Councilmember June seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later.

PUBLIC HEARING: 7:15 p.m.

Commenced at 7:15 p.m.

PRESENT: David Hair, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Craig Humphreys, Robert Cudney, Bob Humphreys, Donna Jean Humphreys, Brian Jenkins, Mike Rutledge

Mayor Hair said that the purpose for the public hearing was to receive input on the boundary line adjustment with Providence City that would move the Guymon parcel into Providence and the Zollinger parcel into Millville.

Public Comment:

Robert Cudney asked about the acreage and sewer availability for the parcels. It was discussed that the property is not currently developed, but could be serviced with sewer by either City. The sewer infrastructure would be installed by the developer during development. Robert said that he felt that Millville City was giving up more property than they were getting and it didn't seem like a good deal for Millville. He asked why the City was allowing the boundary line adjustment.

Councilmember Zollinger explained that this wasn't a trade; one parcel for another. It made sense for everyone to clean things up in that area and it would not have negative consequences for Millville. The owner of the property in Millville requested the adjustment, because there is no Millville road access to this parcel. Providence City and Millville City had agreed to not permit developments that could not be accessed from their

own City roads. Councilmember Zollinger said that ethically, it would not be fair to try and keep the Guymon property in Millville where it could never be developed by the owner.

It was discussed that the property owners of each parcel lived in the cities in to which they were trying to move these undeveloped parcels.

Councilmember Zollinger motioned to close the public hearing. Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later.

Consideration of Ordinance Accepting Zollinger/Guymon Boundary Line Adjustment

Mayor Hair reviewed with the Council the ordinance to accept the Zollinger/Guymon Boundary Line Adjustment.

Councilmember Callahan moved to approve Ordinance 2021-2. Councilmember June seconded. Councilmembers Callahan, June, Wilker and Zollinger voted yes with Councilmember Grange to arrive later. (The adopted ordinance is included with the minutes as Attachment “C”).

City Radio Equipment and Access to the Building

Brian Jenkins said that he spoke with the County EOC Director about the equipment that Millville City currently has in their EOC. Brian said that Millville needs an Emergency Manager that can keep the emergency communication equipment running properly. It was discussed that one of Councilmember Grange’s assignments currently is emergency preparedness and that the Councilmember Assignments are modified from year to year. Brian said that he felt the Emergency Manager should not rotate and that someone should stay in that role. Brian said that he would be willing to train the Emergency Manager.

Brian said that the City may want to look at updating their radio equipment and move them into “go boxes” for additional portability. Brian said that in an emergency, as far as communication goes, email will be used first, followed by cell phones and then ham radios.

Councilmember Grange arrived at this time.

Brian said that there was an upcoming FEMA course that would be held in Cache Valley that the Millville Emergency Manager may want to attend. Brian said that State Code required every City to have an assigned Emergency Manager.

Councilmember Grange said he would meet with Brian to discuss the City communication equipment and then come back to the City Council with an update.

City-Purchased Fence Request along Humphreys Property

Mayor Hair said that the fence request was a tough one with the financial situation that the City is in. He said that he would hate to get into the position where the City has to fence in all of their property. There is no way that the City could afford this. Mayor Hair said that there had been a lot of discussion and heartache as the City Council had looked at implementing a property tax increase. Putting in fences along all of the Humphreys parcels that border the park would essentially require all of the additional revenue that the City would bring in with the proposed property tax rate increase.

Councilmember Callahan said that he was worried about setting a precedence of putting in fences for residents anywhere in which they border City property.

Referencing the staff report, Councilmember Grange said that maybe the parcel referenced as "Segment 1" was developed before the park was there, but the other two parcels were not currently developed and he felt that for sure the City should not pay to fence the borders along those parcels.

Councilmember Zollinger said that maybe the City could apply for RAPZ funding to cover the cost of the fence. He said that he had driven around Millville and there was only a very small portion of city-purchased fence along a piece of one of the parks. There are some areas in which the homeowners have paid for and installed fences along the park borders.

Public Works Director Chad Kendrick said that a first step might be to close the opening in the existing fence. Currently it was always open and anyone could go through. Donna Jean Humphreys said that the opening was placed there so that they can access the water valve on the park side. Chad said that he understood that, but it could be closed to better restrict access to the Humphreys property.

Councilmember Zollinger asked about the main motive. He said that both privacy and security had been discussed. Donna Jean said that the main concern is people coming from the park on to their property. She said that people are not coming through the opening. She said that there are always lots of frisbees and soccer balls that come on their property and people just come over and get them. Bob Humphreys said that they also get garbage that blows from the park on to their property.

Councilmember Callahan said that the City may want to look into this for the next application cycle for RAPZ funding. Craig Humphreys agreed that it might be good for the City to go after RAPZ money to pay for the fence. Recorder Twedt said that he was very confident that an application for a fence would never get funded with RAPZ money.

Councilmember June said that she felt a chain link fence would not stop people from going on to the Humphreys property to get their soccer balls or frisbees. Councilmember Grange agreed that even a chain link fence would not solve the issue in its entirety.

Councilmember Zollinger said that it was a tough issue and that he feels like the City does have a responsibility to keep the people out of the Humphreys property. Bob said that this has been going on for several years and that City representatives have verbally indicated that the City would put in a fence. Director Kendrick said that they could put in a 5-strand barbed wire fence that would keep people out.

The Council discussed the three parcels and the consensus was that if anything were done at the cost of the City, it should only be on the first parcel and not the two undeveloped parcels. The Humphreys said that this made sense to them as well. Their main concern is the parcel with the existing home.

Craig Humphreys said that he appreciated the City trying to find a solution. He said that he has approximately 200 feet of five-foot tall chain link fence that could be used if the City would pay for posts and labor for the installation.

Mayor Hair said that he, Director Kendrick and the Councilmembers would reach out to some people that the City might be able to hire to professionally install the poles. He said that they would get an understanding of the costs and then review this again in a future meeting. (The staff report is included with the minutes as Attachment “D”).

Consideration of a Resolution Setting the Mayor Pro Tempore for Fiscal Year 2022

Mayor Hair reviewed with the Council the resolution that would set Councilmember Zollinger as the Mayor Pro Tempore for Fiscal Year 2022.

Councilmember Callahan moved to approve Resolution 2021-16. Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (The approved resolution is included with the minutes as Attachment “E”).

Consideration of a Resolution Updating the Park Use and Reservation Policy

Recorder Twedt reviewed with the Council the resolution updating the Park Use and Reservation Policy. He said that the changes included the following:

- Language added to include pickleball courts
- Add hours of use for splash pad: 11 a.m. – 7 p.m.
- Make fees paid for park reservations non-refundable
- Add reservation form for pickleball courts
- \$5 increase in rental fees for pavilions to cover additional expenses

Councilmember Zollinger said that he agreed that fees should be increased, but that a \$5 increase may not be enough to cover maintenance, electricity and replacement costs for the facilities. The rest of the Council agreed that the fees were really low for rentals and should increase. They decided to increase to the following for pavilion reservations:

- North Park with Kitchen: \$60 resident, \$100 non-resident.
- South Park South pavilion: \$40 resident, \$80 non-resident.

Pickleball court rentals were then discussed. Recorder Twedt said that the thought process was to allow for reservations so that people could hold a tournament or a big party, but make the fee at a level where they won't be rented all the time to allow for residence to almost always have full access. Councilmember Zollinger said that he was okay with this, but that if it becomes common that the courts are being rented frequently and residents don't have access, they should reevaluate.

Councilmember Grange moved to approve Resolution 2021-17 with the pavilion reservation fee changes that were discussed. Councilmember Wilker seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (The approved resolution is included with the minutes as Attachment "F".)

Consideration of a Resolution Adopting Additional Fraud Risk Policies

Recorder Twedt reviewed the resolution and included fraud risk policies. He said that the State Auditor now required a yearly Fraud Risk Assessment. While doing the assessment for Fiscal Year 2020, Recorder Twedt had identified a few policies that he recommended the City implement this year. These included a Conflict of Interest and Ethical Behavior Policy, a Fraud and Abuse Reporting Policy and a Cash Receipting and Deposit Policy.

Councilmember Callahan moved to approve Resolution 2021-18 with the new additional fraud risk policies. Councilmember June seconded.

Councilmember Zollinger said that he had some concerns with the wording with item 3 on the Conflict of Interest Policy. He said that with the small size of the City, he was concerned that we would have issues where the City wanted to contract services with companies that have some relation to officers of the City. Some recent examples were discussed where a relative of the City Council or the Mayor had done some work for the City and received a very small payment. Recorder Twedt said that he agreed and that he felt the City gets a great deal for these infrequent services, but that this policy may limit the ability for the City to benefit from those deals. Number three was shortened to remove some of the language, but keep the restriction of officers being prohibited from acquiring or having a financial interest in any property that Millville City acquires.

Officers recusing themselves from official action if a conflict of interest is present was also discussed. The Council decided that adding the additional restrictions as listed in the policy made sense, although it was different from what they had done in the past.

Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (The approved resolution is included with the minutes as Attachment "G".)

Location for Millville City Election Drop Box

Recorder Twedt said that as has been discussed before, the County has agreed to put one of the election ballot drop boxes in Millville City. Since all elections are now required to be done by mail, this should be a significant cost savings for the City over time. We need to let the County know by tomorrow where the permanent box will be located. Recorder Twedt said that Public Works Director Chad Kendrick has spoken with the Post Office to try and make that location work. The Post Office would be the most effective location in that residents are already going there on a near daily basis. The Council asked that the ballot box be placed on the City right-of-way near the Post Office.

Councilmember Reports and Items for Future Agendas

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

Councilmember Callahan discussed fireworks. He said that some cities throughout the State had banned them completely. Councilmember Wilker said that he thinks that Millville should do the same with how dry it is this year. It was discussed that it was too late now for the City to follow the correct steps to do a City-wide firework ban. The existing code restricts all fireworks east of 500 East which is the part of the City for which there was the most risk of fire. The Council asked Recorder Twedt to send out a notice through the City notification system asking the residents to be cautious and to be aware that they are liable for damages caused by their actions with fireworks.

Councilmember Grange said that there was a new principal at Ridgeline High School.

Councilmember June thanked everyone for all of their help with the City Celebration last week. Mayor Hair thanked Councilmember June for all of her hard work as well as Councilmember Wilker, Zollinger and the others that had spent time to make the parade and celebration a success.

Councilmember Zollinger said that he had received a City complaint form by text message that he would get to Recorder Twedt so that it could be filed. Councilmember Zollinger said that he would begin looking into the complaint.

Councilmember Wilker said that he had heard the car show went well. Gift cards had been given to the winners and participants. He asked that some information about the car show winners and the Parade Grand Marshall Janet Alder be placed in the July newsletter.

Treasurer Hobbs said that she thought the band at the City Celebration had done a really good job. Mayor Hair asked that Recorder Twedt get some gift cards to send to the band members to thank them.

Mayor Hair said that Martha Balph had indicated that there were some bent posts from the work on the new well that would need to be fixed by the City. Recorder Twedt said that he would get with Director Kendrick to look into this.

Recorder Twedt said that he had been contacted by a representative from the Top of Utah Half Marathon about taking the race through Millville as they had in the past. The race is planned for Saturday, August 28th. Recorder Twedt asked if the Council was okay with him preparing a letter of permission for the half marathon. The Council said that this would be okay.

Adjournment

Councilmember Callahan moved to adjourn the meeting. Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. The meeting adjourned at 9:02 p.m.

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

July 1, 2021

PRESENT: Garret Greenhalgh, Lynette Dickey, Bonnie Farmer, Rachel Thompson, Kara Everton, Tara Hobbs, Pam June, David Hair, Dan Hunsaker, Mike Morgan, Ken Hamilton & Gina Hamilton

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for July 1, 2021 at 7:58 p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Rachel Thompson was present with Darcy Ripplinger excused and Larry Lewis and Matt Anderson absent. Also, Treasurer Tara Hobbs and Development Coordinator Kara Everton were present.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting of July 1, 2021 was reviewed. **Commissioner Thompson moved to approve the agenda for June 24, 2021.** Commissioner Dickey seconded. Commissioners Greenhalgh, Farmer, Thompson voted in favor with Darcy Ripplinger excused and Larry Lewis and Matt Anderson absent.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the Planning Commission Meeting for June 17, 2021. **Commissioner Dickey moved to approve the minutes for June 17, 2021.** Commissioner Thompson seconded. Commissioners Greenhalgh, Farmer, Thompson voted in favor with Darcy Ripplinger excused and Larry Lewis and Matt Anderson absent.

Request for ZONING CLEARANCE - New Home for Dan Hunsaker 418 S 200 E, Cripple Creek Estates Lot 1

Commissioner Greenhalgh reminded the commissioners of the stipulation that the Certificate of Occupancy will not be given until the sidewalks and utilities are in place.

Commissioner Thompson moved to approve the zoning clearance with a contingency that the certificate of occupancy will not be given until the sidewalks and utilities are in place. Commissioner Farmer seconded. Commissioners Greenhalgh, Farmer, Thompson voted in favor with Darcy Ripplinger excused and Larry Lewis and Matt Anderson absent.

Consideration for approval of a Conditional Use Permit- Mike Morgan, Bio Minerals Temporary Office

Mike Morgan was present and explained the need to put a portable, manufactured, office trailer under a Conditional Use permit to install until the prices of materials will calm down a little. The commission discussed the absence of a definitive code or ordinance to know how to enforce this, specifically in a commercial zone. A residential zone specifies that a manufactured home cannot be built on a temporary foundation. Bonnie Farmer asked what the timeline is for a conditional use permit. Rachel Thompson asked Mayor Hair if Planning & Zoning can approve a conditional use permit. It was discussed how it has been suggested in the past, and to ensure we

cover ourselves, then we will proceed with the recommendation to approve a conditional use permit for Bio Minerals to the City Council for review.

Proposed office address 299 S 100 W, Millville UT 84326.

Commissioner Thompson moved to recommend a conditional use permit for Bio Minerals to the City Council. Commissioner Dickey seconded. Commissioners Greenhalgh, Farmer, Thompson voted in favor with Darcy Ripplinger excused and Larry Lewis and Matt Anderson absent.

Discussion for a New Zone to accommodate Multi-Family Dwellings

Commissioner Farmer began the discussion by encouraging the zone to be closer to the highway to prevent so much impact on the infrastructure. The consensus would either be to create a new zone or allow multi-family dwellings in a commercial zone, except then we open up a lot of property in the inner city lots. The Town Center is located north of the high school, as well as some Agricultural zoning. In some towns the multi-family dwelling zone is considered a buffer between residential and agricultural or commercial. North of the Town Center is commercial that is owned by USU. Garrett Greenhalgh pointed out the location that is the near Zollinger's commercial complex that is south of Blackhawk subdivision, which would be a natural place for the multi-family dwelling zone to be developed. Mayor Hair commented that there is a proposal for a \$50 million project to create more multi-family dwellings, a store, and more on the property east of Blackhawk Condos. Providence City is trying to annex that portion out of Millville to develop that project. The question arose about the purpose for the Agriculture zones that are west of the highway, and some properties were pointed out to be a preserved wetlands area. Garrett asked about the opportunity for a property owner to annex out of Millville because we cannot provide sewer immediately, and Mayor Hair confirmed that that is a possibility. Mayor Hair stated that we need to have someone who is licensed specifically to run the sewer workings and we have an employee starting soon that has that knowledge. He also stated that the market and research are moving towards multi-family dwellings being more beneficial for cities, and this will prepare our city for that change, instead of providing property owners with no other options. Garrett Greenhalgh commented on the impact fees especially in regard to the water shortage currently going on in the state. Mayor Hair stated that once Millville's new well is completed, the city needs to determine how many homes it can manage so that we aren't in a dire situation. A lot of the commissioners are going back and forth on this issue so Garrett Greenhalgh suggested that for the next meeting everyone come prepared with a pros/cons list to move forward with this discussion.

City Council Report held on June 24, 2021

Agenda Items for Next Meeting

- Pros/Cons list for Multi-Family Housing
- Justin Card

Future Planning Commission Meeting

The next regularly scheduled meeting will be held **Thursday, July 15, 2021** at 8:00 pm. Bonnie Farmer will be excused.

Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 8:51 p.m.



AGENDA REPORT: BIO MINERALS CONDITIONAL USE PERMIT July 8, 2021

Background

Because of current construction costs, Bio Minerals has filed an application for a Conditional Use Permit for a temporary portable office to be located on parcel 03-032-0013 south of 300 South on 100 West.

City Code requires recommendation from the Planning Commission for the City Council to issue a conditional use permit. The City Council then reviews the permit and can schedule a public hearing to receive public input. The applicant must provide the Development Coordinator with the names and addresses of every property owner within 600 feet of the subject property at least 30 days prior to the public hearing.

Following the public hearing, the City Council may approve the conditional use permit by resolution.

Today should be an initial review of the application by the City Council. The Council may decide to set a public hearing for August 12, 2021 assuming that the fee has been paid and all of the names and addresses have been provided by July 13, 2021.

Because conditional use permits are not common, it would be good for the Council to review this portion of the City Code.

Included Documents

- Bio Minerals Conditional Use Permit Application
- City Code Chapter 17.64 – Permitted and Conditional Uses Generally

City of Millville, Utah
Application for Conditional Use Permit

Applicant Information

Application Number:

Name: Bio Minerals Technologies

Telephone: 435-760-1046

Address: 299 S. 100 W.

Fax: _____

City/State/ZIP: Millville, UT 84

e-mail: _____

Applicant's Requested Conditional Use

Parcel No.: 03-032-0013

Desired Start Date: 7-15-21

Request: Place a portable office on the site as a temporary measure until construction prices stabilize at a more reasonable level.

Applicant's Justification for the Requested Conditional Use

The construction price of our office building doubled due to the extreme volatility of the current construction market. Due to the outrageous prices we can't afford to build it this year. However, we still need office space outside of the warehouse and a portable office can provide that temporary space while we wait for the building market to stabilize.

Development Site Plan (to be submitted with this application)

Prepared by: _____

Telephone: _____

Address: _____

Fax: _____

City/State/ZIP: _____

e-mail: _____

Contact: _____

Other Reports, if required (to be submitted with this application)

The Planning Commission, City Council, or City Engineer may require other reports, plans, or information for the evaluation of this application. On a separate sheet of paper, provide the same information for each additional report as you did for the standard required plans and reports.

Applicant Signature

I have submitted all required plans and reports for this application and agree to submit any other reports, plans, and information as may be deemed necessary by the Planning Commission, City Council, or City Engineer, at my expense. I have also enclosed a check, payable to Millville City Corporation, for the amount of the non-refundable Application Filing fee with this application. I understand that after approval has been granted, that the final plans for this development must be submitted to the Planning Commission for clearance to obtain a Building Permit.

Applicant: _____

Date: _____

City Review (to be completed by city personnel)

Y _____ N

Signature of Reviewer

- ☐ Received Application Filing fee. _____
- ☐ Meets conditions for Hillside Development Overlay requirements. _____
- ☐ Requires other reports, plans, or information. List: _____

☐ ☐ Planning Commission recommends Preliminary Approval.
☐ ☐ City Council grants Preliminary Approval.
 Public Hearing (Date: _____)

Conditions Required by the City (determined by City Council after Public Hearing)

[illegible]

Applicant Acceptance of Conditions

I understand and accept the above conditions required by the City. I also understand that this Conditional Use Permit, if approved, may be revoked if I do not comply with the conditions imposed above.

Applicant: _____

Date: _____

Approval of Application for Conditional Use Permit (vote of City Council)

Y N

Mayor's Signature

- ☐
- ☐
- City Council grants Conditional Use Permit.

MILLVILLE CITY CODE

TITLE 17 - ZONING

CHAPTER 17.64 - PERMITTED AND CONDITIONAL USES GENERALLY

[17.64.010: PERMITTED AND CONDITIONAL USES](#)

[17.64.020: PRINCIPAL AND ACCESSORY USES](#)

[17.64.030: TEMPORARY USES](#)

[17.64.040: OUTDOOR STORAGE FOR NONAGRICULTURAL PRODUCTS](#)

[17.64.050: CLEAR VIEW OF INTERSECTING STREETS](#)

[17.64.060: PURPOSE](#)

[17.64.070: CONDITIONAL USE PERMIT](#)

[17.64.080: PROCEDURE](#)

[17.64.090: CITY COUNCIL ACTION](#)

[17.64.100: APPEALS](#)

[17.64.110: INSPECTION](#)

[17.64.120: TIME LIMIT](#)

[17.64.130: REVOCATION](#)

17.64.010: PERMITTED AND CONDITIONAL USES

A. In any district, no land or structure shall be used and no building shall hereafter be erected or structurally altered except that:

1. The use is permitted by right in that district; or
2. A conditional use permit has been issued according to the procedures specified in sections 17.64.060 through 17.64.130 of this chapter.

- B. In the situation where a use is not specifically included in the zone herein, such a use shall be subject to the regulations of the use to which it is most related or similar, as determined by the city council. The council may determine that such a use is either permitted by right, or not permitted in a particular district based on recommendations from the planning commission. A written record of all such determinations shall be made and kept for consultation in future cases and for consideration as amendments to the zoning ordinance.
- C. Uses by right or conditional uses are principal uses subject to all sections of this title which have an effect on all or specific zoning district regulations. (Ord. 99-02-18-01 § 2)

17.64.020: PRINCIPAL AND ACCESSORY USES

- A. Uses Listed In Each Zone: The uses listed in each zone as permitted by right and conditional uses in the various zoning districts are principal uses except when noted as being accessory.
- B. Accessory Use Permitted: Where the principal use is either permitted by right or authorized by a conditional use permit, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate.
- C. Location Of Detached Accessory Structures And Buildings: In residential zoning districts, all accessory buildings or structures shall be located behind the front yard setback, unless incorporated into the principal use building or structure as an architectural and integral part thereof. In commercial and manufacturing zoning districts, accessory buildings may be located as outlined in those sections.
- D. Measuring The Height Of Accessory Buildings: When measuring the height of any accessory building, the measurement shall be taken from average ground level surrounding and adjacent to the building to the highest point on the roof.
- E. Maximum Coverage For Accessory Structures And Uses: In residential zoning districts, no accessory buildings, structures, or group of such buildings or structures shall cover more than twenty five percent (25%) of the rear yard space. Parking space shall also be included in the twenty five percent (25%) coverage of the rear yard space along with any impervious surfaces. In commercial and manufacturing zoning districts, the main building and all accessory buildings or uses in aggregate shall not exceed the lot coverage requirements outlined in those sections. (Ord. 2004-7, 2004: Ord. 2003-2, 2003: Ord. 99-02-18-01 § 2)

17.64.030: TEMPORARY USES

Upon written application showing proof of need, the city council or its designated agent may issue a building permit and/or a temporary certificate of occupancy for the use of land and/or the erection and use of buildings for a temporary use as follows:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction within the immediate area, provided that no retail or wholesale outlet is maintained in connection therewith.
- B. Temporary office used in conjunction with construction operations within immediate area or for the sale of property within the project.

Any such building permit shall be valid for a period not to exceed thirty (30) days and such temporary certificate of occupancy shall be valid for a period of six (6) months, subject to renewal at the discretion of the city council, for not more than six (6) months thereafter in the same location. (Ord. 99-02-18-01 § 2)

17.64.040: OUTDOOR STORAGE FOR NONAGRICULTURAL PRODUCTS

Outdoor storage of nonagricultural products shall comply with Cache County and state of Utah health and safety regulations. (Ord. 99-02-18-01 § 2)

17.64.050: CLEAR VIEW OF INTERSECTING STREETS

No obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the street lines. A reasonable number of trees pruned high enough to permit unobstructed views shall be allowed within this area. (Ord. 2003-2, 2003)

17.64.060: PURPOSE

To allow the proper integration into city uses which may be suitable only in certain locations in the city and only if such uses are designed or laid out on the site in a particular manner. (Ord. 99-02-18-01 § 2)

17.64.070: CONDITIONAL USE PERMIT

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

- A. Application: Application for a conditional use permit can be obtained from the planning commission secretary.
- B. Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the planning commission, city council, or city engineer may deem necessary.
- C. Fee: At the time the conditional use permit application is filed, there shall be paid to the treasurer a filing fee as established by resolution of the city council. There shall be no action taken on the application until this fee is paid. This fee is not refundable. (Ord. 99-02-18-01 § 2)

17.64.080: PROCEDURE

- A. Recommendation: Based upon their review of the application for a conditional use permit, the planning commission shall make a recommendation for approval or denial of the permit. After the recommendation, the city council shall decide whether or not to proceed any further with this process.
- B. Hearing: A public hearing shall be held to receive public input to the conditional use permit under consideration.
- C. Notice Of Public Hearing: The city council shall, insofar as practical, provide notice of the hearing at which an application for a conditional use is to be considered to all property owners appearing on the latest plat in the Cache County recorder's office within a six

hundred foot (600') radius of the subject property. The necessary names and addresses shall be furnished to the planning commission by the applicant at least thirty (30) days before the public hearing. (Ord. 99-02-18-01 § 2)

17.64.090: CITY COUNCIL ACTION

- A. The city council may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the city council shall request regulations and conditions as are necessary to protect the public welfare.
- B. In approving a conditional use, the city shall find:
 - 1. The proposed use is necessary or desirable and will contribute to the general well being of the community;
 - 2. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
 - 3. The proposed use will comply with the regulations of this title;
 - 4. The proposed use is in harmony with the intent of the master plan. (Ord. 99-02-18-01 § 2)

17.64.100: APPEALS

Appeals of any decision of the city council shall be to the appeal authority. Appeals shall be in writing and shall be filed with the city recorder not more than ten (10) working days after the decision by the city council. The appeal authority may affirm, modify, or reverse the decision of the city council by a super majority vote. However, the appeal authority shall present in writing to the city council, the reasons for its action. (Ord. 2007-8, 2007: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

17.64.110: INSPECTION

The building inspector shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the use permit. (Ord. 99-02-18-01 § 2)

17.64.120: TIME LIMIT

A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion and work has been continuous and without delay. A conditional use permit becomes null and void if the conditionally approved use ceases for one continuous year. (Ord. 99-02-18-01 § 2)

17.64.130: REVOCATION

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. 99-02-18-01 § 2)



AGENDA REPORT: NOTICING CODE CHANGES

July 8, 2021

Background

Senate Bill 201 was passed during the 2021 Legislative Session. The bill modifies the noticing requirements for different actions taken by a city. A search was done of Millville City Code to make sure we are in compliance with the updates in State Code. There is only one portion of our code as it relates to noticing for zoning changes that needs a very minor modification. There are likely more changes coming to noticing requirements in future legislative sessions.

The proposed ordinance would simply remove the specific details of how notice is given. Millville City will continue to follow all required noticing requirement for both public meetings and public hearings as indicated in Item “C” of this section of the City Code.

Included Documents

- Ordinance 2021-3

**MILLVILLE CITY
ORDINANCE 2021-3**

**UPDATING CITY CODE CHAPTER 17.76 RELATING TO NOTICING
OF ZONING CHANGES**

WHEREAS, Utah Senate Bill 201 updated requirements for providing public notice for various actions performed by a City; and

WHEREAS, Millville City Code Section 17.76.050 is no longer consistent with State noticing requirements;

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

Chapter 17.76 of the Millville City Code is hereby amended to read as indicated in the attachment.

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 8th day of July 2021.

MILLVILLE CITY

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

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

POSTED: _____

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.76 - CHANGES AND AMENDMENTS

[17.76.010: POWERS OF THE GOVERNING BODY TO CHANGE ZONING](#)

[17.76.020: PETITION FOR CHANGE](#)

[17.76.030: FILING FEE AND PUBLICATION CHARGE](#)

[17.76.040: REFERRAL OF PETITION TO PLANNING COMMISSION](#)

[17.76.050: CHANGES AND AMENDMENTS](#)

17.76.010: POWERS OF THE GOVERNING BODY TO CHANGE ZONING

It is lawful for the governing body from time to time as necessity may arise, to change or modify any regulation or restrictions with respect to zoning or building or uses of land. (Ord. 99-02-18-01 § 2)

17.76.020: PETITION FOR CHANGE

In each instance where any person shall desire to have such change made, petition shall be made to the planning commission definitely setting out such request and particularizing the change desired. (Ord. 99-02-18-01 § 2)

17.76.030: FILING FEE AND PUBLICATION CHARGE

At the time the petition is filed requesting change with respect to zoning or building or uses of land as contemplated by this part, there shall be paid to the treasurer a filing fee and publication fee as established by resolution of the city council and published by the city in a fee schedule.

There shall be no action taken on the petition or any publications made until these fees are paid. These fees are not refundable. (Ord. 99-02-18-01 § 2)

17.76.040: REFERRAL OF PETITION TO PLANNING COMMISSION

Such petition, together with any protests thereto, shall be referred to the planning commission for consideration and recommendation. The planning commission shall return such petition together with its recommendation to the governing body no later than thirty (30) days after referral to it. (Ord. 99-02-18-01 § 2)

17.76.050: CHANGES AND AMENDMENTS

A. Amendments: This zoning ordinance, including the zoning map, may be amended from time to time by the city council. The planning commission shall prepare and recommend to the city council the proposed ordinance or ordinances and zoning map changes or amendments. The planning commission shall conduct a properly noticed public hearing and forward their recommendations to the city council.

B. ~~Notification Of Public Hearing:~~

~~¶~~

- ~~1. Notice must be given at least ten (10) calendar days prior to the public meeting and must be: a) mailed to affected entities; b) posted in three (3) public locations in the city or on the website; and c) published in a local newspaper having circulation within the city and on the Utah public website or mailed to each property owner whose land is directly affected by the land use ordinance and to each adjacent property owner within the parameters specified by city ordinance.~~

C. Council Decision: After the properly noticed public meeting as required by Utah Code Annotated 10-9a-205, the city council will consider the proposed land use ordinance and may adopt, reject, hold an additional public hearing, or revise and adopt the proposed ordinance. (Ord. 2013-2, 2013; Ord. 99-02-18-01 § 2)

OPEN AND PUBLIC MEETINGS ACT TRAINING

July 2021

The Open and Public Meetings Act requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104).

The Open and Public Meetings Act is based on the premise that the state, its agencies, and its political subdivisions exist to conduct the people's business and that a public body should deliberate and take action openly (Section 52-4-102).

Definitions (Section 52-4-103)

Meeting means a convening of a public body with a quorum present (in person or electronically) to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. Includes workshops or executive sessions of a public body.

Meeting does not include a chance or social gathering.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Quorum means a simple majority of membership of a public body (3 Councilmembers).

Public Notice (Section 52-4-202)

A public body is required to provide public notice at least 24 hours before each meeting. The public notice is required to:

- include the date, time, and place of the meeting;
- include an agenda that lists specific topics to be considered;
- be posted in specified places, including the Utah Public Notice Website; and
- be provided to a newspaper or local media correspondent.

A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

Minutes and Recordings (Section 52-4-203)

- A public body is required to keep written minutes and a recording of all meetings. However, a recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must be made available to the public within 30 days after the meeting and indicate that the public body has not yet approved the minutes.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting are required to be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's primary office (or website).

Closed Meetings (Sections 52-4-204 and 52-4- 205)

A public body may only hold a closed meeting for certain reasons, including the discussion of:

- a person's character, competence, or health;
- strategy for collective bargaining;
- strategy for pending or imminent litigation;
- an acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- the investigation of criminal conduct;

A public body may only close a meeting by a two-thirds vote with a quorum present at the open meeting. A public body that closes a meeting is required to announce the reasons for closing the meeting and enter the reasons into the minutes of the open meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings (Section 52-4-202) A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require urgent consideration. However, a public body may not hold an emergency meeting unless it makes an attempt to notify all members of the public body and a majority of its members approve the meeting.

Public Meeting vs Public Hearing

A public meeting is a meeting in which the public is invited to come and watch the Council deliberate on and decide matters. There is no right for any individual member of the public to actively participate in the public meeting (although there is nothing wrong about allowing this).

In a public hearing, the public has the right to participate by giving information or testimony about the topic of the hearing. Although most things done by a City Council can be done in a public meeting, certain ordinances and activities require a public hearing and there are other times when you may want a hearing to get input from the public. During a public hearing, it is best to establish rules for how long each member of the public will be allowed to speak and enforce that time limit to ensure there isn't a sense of favoritism. Another good way to keep a public hearing on track is to keep members of the Council and City staff from responding directly to the member of the public who is speaking. After the public hearing portion of the meeting is complete, the Council can return and debate the topic in as much detail as needed after having heard the input from the public.

Disruption of Meetings (Section 52-4-301)

Individuals can be removed from a public meeting if they willfully disrupt the meeting to the extent that orderly conduct is seriously compromised.

Penalties (Sections 52-4-302 and 52-4-305)

Open Meetings

Any final action taken in a meeting that is in violation of the Open and Public Meetings Act is voidable by a court.

Closed Meetings

It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions of the Open and Public Meetings Act.

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