

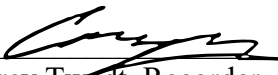
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, December 9, 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 June
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – November 11, 2021
5. Agenda Items—
 - A. Public Comment Period (2 min/person)
 - B. Business License request for Tucker Fitness at 765 E. 1950 S. Suite 102 – Chasity Tucker
 - C. Review Bids and Award Irrigation Water Share Leases – Recorder Twedt
 - D. Report on P&Z Meeting held 11/18/21 – Dev. Coordinator Everton
 - E. Consideration of Resolution accepting the 95 North Subdivision – Councilmember June
 - F. Consideration of Resolution accepting County Agreement for COG 550 N. Project – Mayor Hair
 - G. Alternative Sewer Technology Discussion – Councilmember Zollinger
 - H. River Hawk Subdivision – Recorder Twedt
 - I. Discussion on Short-Term Rentals – Councilmember Wilker
 - J. South Park Pavement Middle Section – Recorder Twedt
 - K. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - L. 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 6, 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
November 11, 2021

PRESENT: David Hair, Daniel Grange, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Kara Everton, Corey Twedt, Lance Houser, Floyd Powell, Kate Powell, Coby Price, Richard Jex, Colt Pini, Emilee Pini

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for November 11, 2021 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger and Daniel Grange were in attendance with Councilmember Clay Wilker excused. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Councilmember Callahan welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. He recognized Veterans Day and recommended everyone reach out and support a veteran on this special day.

Approval of Agenda

The agenda for the City Council Meeting of November 11, 2021 was reviewed.

Councilmember Callahan moved to approve the agenda for November 11, 2021.

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 October 28, 2021.

Mayor Hair pointed out that the minutes incorrectly said “Boy Scout” and should say “Cub Scout”. This was fixed in the minutes. **Councilmember Callahan moved to approve the minutes for October 28, 2021.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

Public Comment Period

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

Millville City Municipal Election Canvass

Recorder Twedt explained that the preliminary results for the election had been available late the night of the election, on November 2nd. The County – that had been charged with counting the ballots – provided the official report yesterday which is not much different from what was in the unofficial totals. For Millville, the Mayor and Councilmembers make up the Board of Canvassers and the City Recorder is the Election Official. Recorder Twedt read through the official Canvass Report and then the report was passed around for the Mayor and Councilmembers to sign.

Recorder Twedt said that Robert Cudney had wanted to attend the meeting tonight, but wasn't feeling well. He expressed well wishes and congratulations to Mayor Hair for winning the election. Recorder Twedt also said that he felt Cache County had done a good job in dealing with the parts of the election for which they were contracted. (A copy of the canvass report is included with the minutes as Attachment "B".)

Alternative Sewer Technology Discussion

Councilmember Zollinger said that he has been doing a bit of research into options for sewer technology to make sure the City is using the best and most cost-effective sewer solutions. As part of this, he spoke with Richard Jex who is here tonight. Richard sales sewer technology that may be an option for Millville City.

Richard Jex introduced himself. He is an Environmental Engineer and owner of Jex Enviromental Solutions. He explained that the niche of the company is small sewer collection facilities. Richard said that he is not real familiar with the Millville sewer project, but that he has spoken with various councilmembers as well as the Mayor over the years. He said that he spoke with the City Engineer, Lance Houser, earlier this week.

One of the main suppliers for an alternative sewer collection system technology that Richard represents is Orenco Systems. Under this type of effluent sewer system, there is a processing tank near the home that removes the solids, similar to what a septic tank does. The sewage undergoes primary treatment at the home tanks and then the liquid is transported to the treatment facility in smaller pipes with less expensive pumps (estimated at about \$700). These pumps last between 15 and 20 years before they need to be replaced. One of the main benefits of this type of sewer treatment is that you can reduce the depths of your sewer lines. It also means that pumps are required, whereas the City was planning to do almost completely a gravity-fed system. Councilmember Zollinger briefly discussed the pumps they use for sewage pumping at Zollinger Warehousing and said that they are not without maintenance and problems. With the sewer treatment tanks and pumps proposed by Mr. Jex, the pumps would be less expensive and less problematic as they would be dealing primarily with liquids.

Councilmember Callahan asked if residents could use their existing septic tanks for the initial processing tank that would be located on the homeowner's property. Richard Jex

said that if the tanks are over a certain age, they for sure won't work. Some of the newer septic tanks may work, but it would have to be evaluated on a case-by-case basis.

Councilmember Callahan asked about ownership of the tanks near the homes. Richard said that he would recommend that the City take ownership of these tanks. Recorder Twedt said that there were a couple big concerns here from a logistics standpoint. If the City were to take ownership of the tanks, they would have to have a legal easement created and signed for every home in the City. The easements that have been done so far on the sewer project for the sewer lines that have to pass through personal property have been expensive, time consuming and very difficult. And there have been relatively few of them. Recorder Twedt said that another issue was getting funding to cover this work that would be "on lot" or on personal property. The State would not fund this type of project and the Federal funding agency would likely have issues with it as well. He said that he wasn't sure how they would get over this hurdle.

Recorder Twedt asked Richard if this type of sewer system had been used in existing cities in Utah or only for communities that had not yet been developed. Richard said that in Utah, it had only been used on new development and not on existing neighborhoods. Recorder Twedt pointed out that there would be an additional cost to new home builders forever in Millville as they would now have to purchase and install one of these processing tanks on their property.

It was discussed that with this type of system, the City would have additional overhead costs with maintaining all of the processing tanks and pumps throughout the City. Richard said that one concern that frequently comes up is what happens if the power goes out or there is some mechanical failure. The tanks can store one to two days of waste before there is an issue. The system comes with an alarm to notify the homeowner if there is a problem. The way that this would work is a homeowner would hear or see the alarm and then call the City to come out and make repairs.

Councilmember Zollinger asked City Engineer Lance Houser for his opinion on the technology with the little bit that he had researched so far. Lance said that there is some potential cost savings in parts of the City where deep sewer lines were planned. The City had looked at pumping in certain areas previously and decided that the maintenance costs were not worth the cost savings. A hybrid system that was primarily gravity and implemented this type of system including pumps in some parts of the City may save costs by reducing depths even more. This is something they could examine.

The Council asked that Lance Houser look into this in a little more detail. Recorder Twedt asked that they start with a preliminary, surface level analysis to understand just the ballpark of potential cost savings before a lot of engineering time and money is spent. From there, the City Council could see what might be possible and understand the potential issues and determine if it makes sense to look into this in more detail. Lance Houser said that he would take a look and get back to the Council at a future meeting.

Short-Term Rentals

Councilmember Callahan suggested they move this agenda item to a future meeting when Councilmember Wilker would be present as he had made the request for this discussion. Councilmember Grange asked if anyone in attendance had come to discuss short-term rentals.

Coby Price said that he had spoken with Councilmember Wilker and asked that short-term rentals be discussed. Coby explained that he felt short-term rentals had some inherent problems. They result in increased traffic and use of City infrastructure. Coby said that he had concerns of having renters in the city. You never know who is going to be there. There are no screenings or background checks. Most of the renters will be fine, but over time, you will eventually get a renter that is a problem for the city. Coby said that he has read a study that indicated that short-term rentals come with higher rates of drug use and criminal activity. He said that he doesn't think Millville should allow those risks in the city.

There was some discussion about whether or not a city in Utah could even ban short-term rentals if they wanted to. Recorder Twedt said that he had been told this wasn't allowed by State Law. Coby said that the bill to prevent the banning of short-term rentals had not passed and cities were able to ban them if they chose to do so. Councilmember Zollinger discussed laws that had gone into effect that stopped the banning of accessory dwelling units. There was some brief discussion on the difference between the laws surrounding accessory dwelling units and short-term rentals. Councilmember Zollinger looked up HB 253 that was passed in 2017 that appeared to prevent the banning of short-term rentals. Kate Powell said that a neighbor of hers had a short-term rental in Logan City that been shut down a year ago. As there was some confusion about what State Law permitted, it was determined that the City Council and City Staff would research this more and come back at a future meeting with more information.

Coby said that there are other ways to regulate short-term rentals that are being used in other states. For example, the City could limit the number of days per month for which a home could be rented.

Mayor Hair said that there are difficulties in regulating short-term rentals, but that he thought something should be considered. The repair and maintenance costs for the infrastructure was being paid by all of the residents and those that have short-term rentals may be creating more of an impact.

Colt Pini asked if there were currently any regulations on short-term rentals in Millville City. The Council said that one thing that had been discussed is requiring business licenses for those that wish to use their home as a short-term rental, but as of right now, there are no short-term rental regulations in Millville.

Councilmember Zollinger said that they would start by researching what types of regulations are permitted by a city in the State of Utah and then they could see if they wanted to take any action. (A copy of the staff report is included with the minutes as Attachment "C".)

Consideration for Cancelling Council Meeting Scheduled for November 25, 2021

Mayor Hair said that generally, the Council cancels the second meeting in November, because of Thanksgiving. He asked the City Council what they wanted to do.

Councilmember Callahan motioned to Cancel the City Council meeting scheduled for November 25, 2021. Councilmember June seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

Review of 2021 Business Licenses for 2022 Renewals

Recorder Twedt reviewed the list of 2021 business licenses. He said that this is done on a yearly basis to see if the City Council has any concerns before renewals are sent for the upcoming year.

The Council asked that a letter be sent to the owner of the repair shop on Main Street near the Elementary School and ask him to come to a City Council meeting to discuss the parking issue in front of his home before he could renew his license. Other than that, they said that renewal letters could be sent to all business owners. (A copy of the staff report is included with the minutes as Attachment "D".)

City Reports

Public Works Director Chad Kendrick said that the green waste bins would be done for the year and picked up on November 19th.

He said that the well house was still progressing as planned.

Director Kendrick said that he was still working on getting a quote for asphalt for the middle section of the parking lot at the South Park. It has been extremely difficult to even get people to come and provide a quote.

Councilmember Zollinger asked when the City street Christmas lights would be going up. Director Kendrick said it would be done in the next week or two. Recorder Twedt said that he appreciated Rocky Mountain Power. They were always good about helping put up and take down the lights. They had also given the City a \$300 donation this year.

Councilmember Reports and Items for Future Agendas

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

Recorder Twedt reported that the audit is happening right now.

Recorder Twedt said that Nibley had reached out and apparently the subdivision near the High School in Millville is not complete and has not been recorded yet with the County. Councilmember Zollinger suggested Recorder Twedt reach out to Mike Liechty to try and get this finished up.

Recorder Twedt said that the process for impact fees for businesses was not very well defined. Bio Minerals Technologies had only been required to pay the water impact fee with their new construction on the south side of the City. They make a significant impact on roads and should probably be required to pay that impact fee. The Council discussed this and decided they should be looking at new businesses on a case-by-case basis to determine fair impact fees depending on the business and the location. Businesses within the Zollinger complex do not impact the City roads, parks or water supply directly. Bio Minerals impacts the water supply as well as roads, but will not be charged the park impact fee.

Treasurer Hobbs said that she had received a request for scouts to hold a large Klondike Derby overnight campout at the Millville South Park. Recorder Twedt said that he was concerned, depending on the weather at the time, of the grass being torn up and muddy. Councilmember Callahan said that the park policy did not allow overnight camping and that he felt they should not make exceptions. Councilmember Zollinger agreed and said that he didn't think they should open doors to exceptions and that the scouts should look for other camping options.

Treasurer Hobbs said that the Bear River Health Department had received two complaints about a trailer down near the river in Millville City. The BRHD said that they were investigating to see if there were any health concerns from waste with the close proximity to the river.

Mayor Hair said that he had received a request from Guy Curtis about the City preparing a letter to try and get the local business mailers sent to Millville residents again. He said that they would prepare a letter and provide it to Mr. Curtis.

Adjournment

Councilmember Zollinger moved to adjourn the meeting. Councilmember Callahan seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. The meeting adjourned at 8:41 p.m.



Millville City

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

CHECK APPLICABLE BOX

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

CHANGE OF:

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

Business License Application

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

License No. _____

Date Received _____

SECTION I: Business Information

Application Contact: Chasity Tucker Contact Ph: 757-805-0086

A. Business Name "DBA": Tucker Fitness

B. Business Location: 705 E 1950 S. Suite 102 Millville, UT 84326
Street Address (include unit #)

C. Mailing Address: 705 E 1950 S. ☒ Same as "B. Business Location"
ATTN: _____ Street (include unit#)/PO Box address _____ City, State, Zip _____

D. Local Business Ph: 757-805-0086 Fax: _____ www: tuckerfitness.com

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: 24 hr.

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:

Online

HOME BUSINESS

Please Note:

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

On-site employees? ☐ Yes ☐ No

If yes,

Up to how many? _____ Working hours? _____

Where will they park? _____

On-site customers? ☐ Yes ☐ No

If yes,

Up to how many per day? _____

Up to how many per week? _____

Where will they park? _____

On-site business will be performed from a:

(mark all that apply)

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

Do you intend to set-up off-site?

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

☐ Yes ☐ No

Proposed start date: _____

This Business Includes:

- | Yes | No |
|--------------------------|---|
| ☐ | ☐ Signage <u>we don't have a sign yet</u> |
| ☐ | ☒ Alcohol sales and/or services |
| ☐ | ☒ Live entertainment on-site |
| ☐ | ☒ Door-to-door solicitation |
| ☐ | ☒ Fireworks sales on-site |
| ☐ | ☒ Vending machines on-site |
| ☐ | ☒ On-site secondary business |
| ☐ | ☒ On-site events (ie. community party parking lot/sidewalk sales) |
| ☐ | ☒ Investment advice and/or service |
| ☐ | ☒ Pesticides use and storage |
| ☐ | ☒ Hazardous materials use and storage |
| ☐ | ☒ Vehicle sales |
| ☐ | ☒ Firearms or explosives sales |
| ☐ | ☒ Care of children or preschool |
| ☐ | ☒ Any construction jobs over \$1,000 |
| ☐ | ☒ Piercing, tattooing, perm, make-up |
| ☐ | ☒ Used merchandise transactions |
| ☐ | ☒ Changes to existing garbage service |
| ☐ | ☒ Vehicles, trailers, mowers, etc. (stores on site) |
| ☐ | ☒ Electrical, plumbing, structural, or mechanical changes to site |

SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

This business will be a 24 hr. fitness gym for males + females.
There will be personal training along with group personal training
as well as nutrition programs offered.

SECTION IV: Additional Information

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

SECTION V: Ownership (Parent business entity and business officer information)**Parent Entity**

Parent Business Name: _____ ☒ 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: Ma Chasity Tucker Contact Ph. 757-805-0086

Home Address: _____
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☒ Owner
☐ Local Manager**LLC**☐ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager**Officers (2)**

Officer Name: Matthew Tucker Contact Ph. 757-805-0637

Home Address: _____
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☒ 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.
- 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.

Chasity Tucker
Signature of Owner/Authorized Agent

Chasity Tucker
Printed Name

Nov 9, 2021
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 PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

November 18, 2021

PRESENT: Lynette Dickey, Rachel Thompson, Bonnie Farmer, Matt Anderson, Darcy Ripplinger, Kara Everton, Pam June, David Hair, Chad Kendrick, Spencer Munyon, Berry Banham, Brad & Linda Webster

Call to Order/Roll Call:

Commissioner Dickey opened the meeting for November 18, 2021 at 8:00p.m. Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Matt Anderson (Alt.) and Darcy Ripplinger (Alt.) were present. Commissioner Lewis was excused and Commissioner Greenhalgh absent. Development Coordinator Kara Everton were present.

Opening Remarks/Pledge of Allegiance

Commissioner Farmer led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Thompson moved to approve the agenda November 18, 2021.** Commissioner Farmer seconded. Commissioners Dickey, Thompson, Farmer, Ripplinger and Anderson voted in favor with Commissioner Lewis excused and Garrett Greenhalgh absent.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the Planning Commission Meeting for October 21, 2021.

Commissioner Farmer moved to approve the minutes. Commissioner Ripplinger seconded.

Commissioners Dickey, Thompson, Farmer, Ripplinger and Anderson voted in favor with Commissioner Lewis excused and Garrett Greenhalgh absent.

5.A. Zoning Clearance- Spencer Munyon New Residence, Zollinger Estates Lot 2, 95 W 750 N, Millville

Half of the basement is built to be rented out. Commission informed him that there could be more fees for rentals that would be assessed when it becomes time. The project will be started in the next 4 weeks. Chad Kendrick advised to keep mud off the lane.

Commissioner Thompson moved to approve the Zoning Clearance for a Spencer Munyon New Residence, Zollinger Estates Lot 2, 95 W 750 N, Millville. Commissioner Anderson seconded.

Commissioners Dickey, Thompson, Farmer, Ripplinger and Anderson voted in favor with Commissioner Lewis excused and Garrett Greenhalgh absent.

5.B. Zoning Clearance- Berry Banham New Residence, Knowles Minor Subdivision, Lot 1, 240 S 100 E.

Septic Permit was supposed to be sent today but hasn't been issued because of delays with BRHD. The sidewalk elevation will be different, so the sidewalk may be installed after the home is built.

Commissioner Thompson moved to approve the Zoning Clearance for a Berry Banham New Residence, Knowles Minor Subdivision, Lot 1, 240 S 100 E. Millville contingent on the septic tank permit. Commissioner Dickey seconded. Commissioners Dickey, Thompson, Farmer, Ripplinger and Anderson voted in favor with Commissioner Lewis excused and Garrett Greenhalgh absent.

5.C. Brad Webster Final Plat

Divided the house off the pasture. Has no plan to sell the pasture, but to sell the house to his son. Has an access so he can corral his cows.

Commissioner Thompson moved to recommend the Final Plat for a Brad Webster.

5.D. Other

City Council Report- October 28, 2021 and November 11, 2021

Agenda Items for Next Meeting

Future Planning Commission Meeting

The next regularly scheduled meeting will be held **Thursday, December 2, 2021** at 8:00 pm

Adjournment

Chairman Dickey moved to adjourn the meeting at 8:31 p.m.

DRAFT

**MILLVILLE CITY
RESOLUTION 2021-27**

**RESOLUTION TO ESTABLISH THE 95 NORTH SUBDIVISION AT
APPROXIMATELY 95 NORTH 100 WEST**

WHEREAS, a request to subdivide parcel 03-029-0034 into two parcels has been received; and

WHEREAS, the Planning Commission reviewed the request on November 18, 2021 and recommended the City Council approve this subdivision; and

WHEREAS, the City Council discussed and reviewed the request at the City Council Meeting held on December 9, 2021;

THEREFORE, BE IT RESOLVED that the City Council hereby accepts the 95 North Subdivision of two lots as proposed in drawings and documents submitted. These documents have been found to be in compliance with applicable Millville City Ordinances.

Passed and approved by the Millville City Council this 9th day of December 2021.

SIGNED:

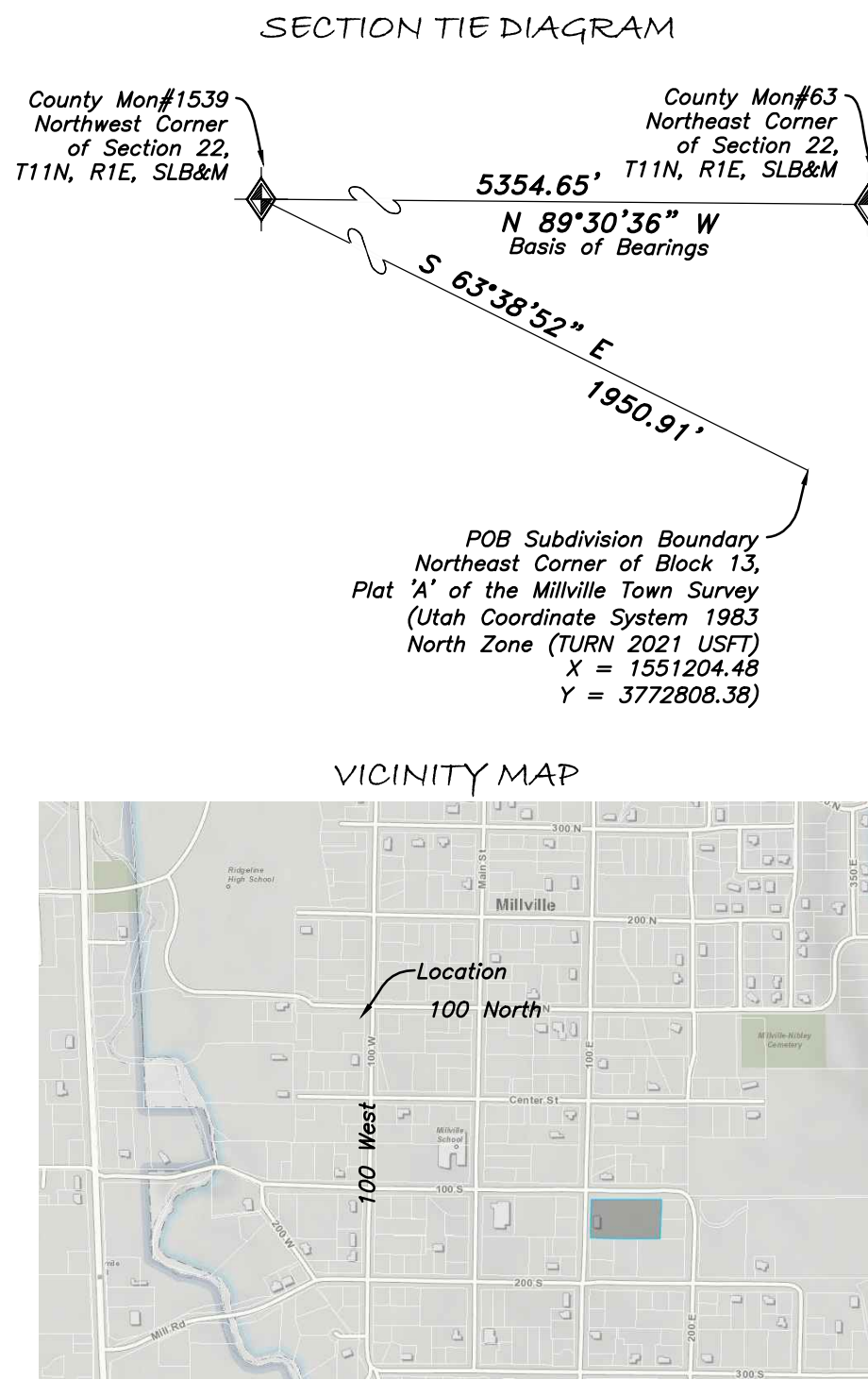
David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

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

Final Plat For:
95 North Subdivision
Millville City, Cache County, Utah A Part of the Northwest
Quarter of Section 22, Township 11 North, Range 1 East,
Salt Lake Base & Meridian, October 2021



NOTES & RESTRICTIONS:

1- All public & municipal utility easements (P.U.E.) are 10.0 feet wide around the frontage of All Lots.

2-All expenses involving the necessary improvements for sanitary sewer systems, gas service, electrical service, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signing, and other improvements shall be financed by subdivider.

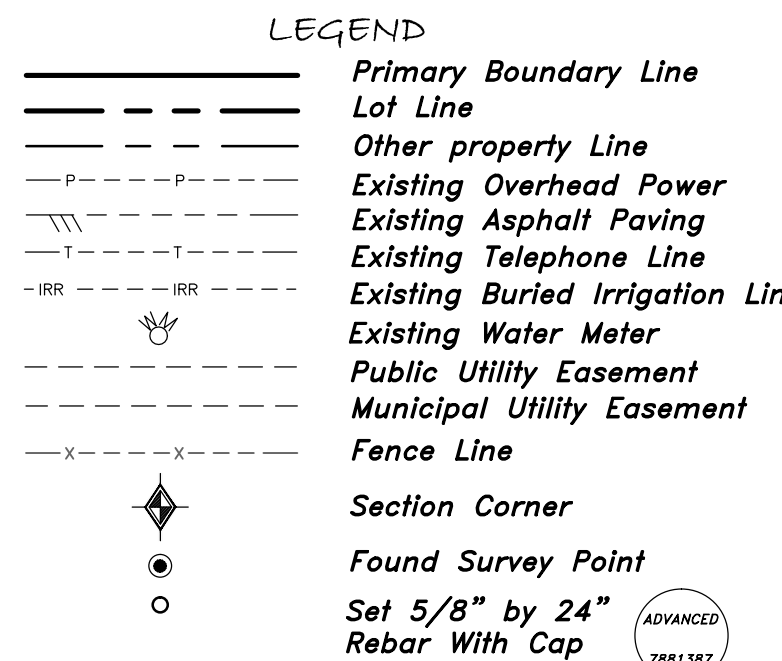
3-The Subdivision does not contain identified wetlands, flood plain, or other notable sensitive areas.

4-The subdivision contains 1.798 Acres and two Lots

5-The subdivision's parcel number is 03-029-0034

NARRATIVE

The purpose of this survey was to create two lots as shown and described hereon. The survey was ordered by Brad Webster. The control used to establish the property corners was the existing Cache County and Millville City survey Monumentation around the Northwest Quarter of Section 22, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the North line of said Section 22, which bears North 89°30'36" West, Utah Coordinate System 1983 North Zone.



ROCKY MOUNTAIN POWER

1.Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with the rights and duties described therein.

2.Pursuant to Utah Code Ann. § 17-27a-603(4)(c)(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 Easement, 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 the 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 utility facilities or
- (4) any other provision of the law.

Rocky Mountain Power

DOMINION ENERGY

Questar Gas Company, DBA Dominion Energy Utah, hereby approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication or in the notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Utah's right-of-way department at 800-366-8532

Approved by Dominion Energy, this _____ day of _____ A.D., 20__.

By: _____ Title: _____

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision has been reviewed for septic tank suitability by the Bear River Health Department.

Bear River Health Department _____ Date _____

PLANNING AND ZONING APPROVAL

This plat approved by the City of Millville Planning and Zoning Commission this _____ day of _____, 20__.

Attest:

Chairman _____ Secretary _____

CERTIFICATE OF REVIEW

Date on this plat reviewed this _____ day of _____, 20__, by the City Engineer of Millville, Utah

City Engineer _____

CITY COUNCIL ACCEPTANCE AND APPROVAL

Approved by the City Council of the City of Millville, Utah, this _____ day of _____, 20__.

Attest:

Mayor _____ City Recorder _____

CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned, Kristen Gonzalez, being the registered agent, owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:

That the foregoing plat designated as 95 North Subdivision, is located in the Northwest Quarter of Section 22, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, Also a Part of Lots 6, 7, & 8 of Block 13, Plat 'A' of the Millville Town Survey

Beginning at the Northeast Corner of said Block 13 and RUNNING THENCE South 01°05'20" West (South by Record) 136.24 Feet; Thence North 88°03'24" West 145.01 Feet (North 88°34'27" West 144.00 Feet by Record); Thence South 01°03'06" West (South 00°01'37" East by Record) 132.00 Feet to the South Line of said Lot 8; Thence North 88°29'36" West (West by Record) 220.80 Feet Along the South Line of said Lots; Thence North 01°04'49" East 265.34 Feet (North 264 Feet by Record) to the North Line of said Block 13; Thence South 88°46'27" East 365.74 Feet (East 367 Feet by Record) to the Point of beginning and contains an area of 1.798 acres, and two lots, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.

Executed this _____ day of _____, 20__.

Bradley Nelson Webster

Linda Webster

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 20__.

Bradley Nelson Webster and Linda Webster, husband and wife as joint tenants, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signers of the attached owners dedication, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

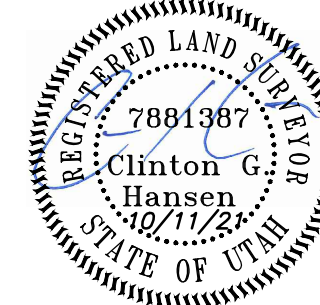
Notary public

SURVEYOR'S CERTIFICATE

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah, that this plat is a true, correct, and complete plat of 95 North Subdivision as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (1:10,000).

Date: 10/11/21
Clinton G. Hansen

No. 7881387



Scale: 1" = 30'
0 30' 60'
Scale in Feet

COUNTY RECORDER'S NO. _____

State of Utah, County Cache, Recorded and Filed at the Request of _____

Date _____ Time _____ Fee _____

Abstracted _____

Index _____

Filed in: File of Plats _____

County Recorder _____



**MILLVILLE CITY
RESOLUTION 2021-28**

**A RESOLUTION APPROVING AN AGREEMENT WITH CACHE
COUNTY FOR COG TRANSPORTATION FUNDING – 550 NORTH
TURNING LANE**

WHEREAS, Millville City applied for Cache County Council of Government (COG) funding for a right turn lane from 550 North on to Highway 165 in 2021; and

WHEREAS, Cache County Council approved the application for funding of this project on October 12, 2021; and

WHEREAS, Cache County has prepared the included funding agreement regarding the Millville 550 North Highway Right-Turn Lane Project;

NOW THEREFORE, be it resolved by the Millville City Council that the attached agreement for transportation funding between Cache County and Millville City is hereby approved.

Passed and approved by the Millville City Council this 9th day of December 2021.

SIGNED:

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

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

**LOCAL TRANSPORTATION FUNDING AGREEMENT
BY AND BETWEEN CACHE COUNTY AND MILLVILLE CITY**

This Agreement is made effective this _____ day of _____ 2021, by and between Cache County and Millville City (collectively the "Parties" or individually the "Party") witnesses that:

WHEREAS, Utah Code Section 59-12-2217, the County Option Sales and Use Tax for Transportation provides the opportunity for a Council of Governments and the local legislative body to prioritize and approve funding for transportation projects; and

WHEREAS, the Cache County Council of Governments (COG) is the council of governments with the authority to work with Cache County, the local legislative body, to prioritize and approve funding for such transportation projects; and

WHEREAS, Millville City is among the qualified projects prioritized for funding by COG and the Cache County Council; and

WHEREAS, Millville City intends to complete the Millville 550 North Highway Right-Turn Lane; and

WHEREAS, Millville City submitted a timely and complete application/request to the Cache County Council of Governments (COG), and accordingly such request was approved by the Cache County Council on October 12, 2021; and

WHEREAS, Cache County has committed to assist with COG eligible items (as defined in the most recent approved Local Transportation Fund Program Manual) in the amount of \$53,847. Based on the match percentage stated in Millville City's 2021 COG application for this project, COG funds cannot exceed 93% of the total cost of COG eligible items; and

WHEREAS, Cache County and Millville City propose to enter into this Funding Agreement to establish the terms and conditions Cache County and Millville City will be bound to in regard to this agreement;

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

**SECTION ONE
INTRODUCTION AND BACKGROUND**

A. Project Description: **Millville 550 North Highway Right-Turn Lane**

SECTION TWO OBLIGATIONS

A. County Obligations.

Cache County agrees to contribute up to \$53,847 for the construction related costs from the County Option Sales and Use Tax for Transportation Fund as provided for in Utah Code Section 59-12-2217.

B. Millville City Obligations.

- i. Millville City shall submit the final 100% plan set to COG staff prior to bidding the project.
- ii. Millville City shall ensure that all applicable State and Federal requirements are followed.
- iii. Millville City will be responsible for all aspects of COG project oversight, administration and construction. This includes project bidding, consultant contracting, property acquisition and construction engineering/inspection and contractor payment.
- iv. Millville City will spend COG funds only on eligible project elements/activities as defined in the approved Local Transportation Fund-Program Manual for the funding year the project was approved.
- v. Millville City will accommodate periodic project inspections/site visits by Cache County or its representative.
- vi. For projects that receive more than \$200,000 in COG funding, Millville City will submit and access management plan (or jurisdiction wide access management ordinance) for the COG funded roadway.
- vii. Millville City will commence the project with some project fund expenditures within two years of the final approval of funding by the Cache County Council. The project must be completed, and all COG funds disbursed within 6 years. If the project is not able to be completed after an award is made, the city may request an extension. Otherwise all COG funds must be returned.
- viii. Millville City shall timely notify Cache County of, and allow Cache County or their representative to attend, the final inspection of the completed approved project.

C. Joint Obligations.

Cache County and Millville City agree to jointly develop accounting and reporting procedures for the use and distribution of transportation funds. Millville City must submit final costs with supporting documentation.

D. Default

Millville City will be in default under this Agreement if Millville City fails to use the Agreement Funds for the intended purpose described in the Final Plan submitted, or otherwise fails to perform, observe or discharge any of its obligations under this Agreement.

E. Remedy

If Millville City is in default, Cache County may, at its option, pursue any or all of the remedies available to it under this Agreement and at law or in equity, including without limitation, specific performance, setoff or declaring Millville City ineligible for the receipt of future funding awards from Cache County.

**SECTION THREE
MISCELLANEOUS**

A. Indemnification.

Millville City agrees to hold harmless, defend and indemnify Cache County, its officers, employees and agents from and against all claims, suits and costs, including attorney's fees for injury or damage of any kind, arising out of negligence, wrongful acts, errors or omissions in the performance of this project.

B. Modification.

This Agreement may be modified only upon the written agreement of both parties.

C. Notice.

Any notice to be given under this Agreement must be given in writing by email, personal delivery, or by mail and is effective, as applicable: five (5) days after mailing, when actually personally delivered or upon the sender's receipt of confirmation generated by the recipient's email system of receipt by the recipient's email system.

D. Survival.

All rights and obligations of the parties under this Agreement will cease upon termination of this Agreement, other than the rights and obligations that by their nature or express terms survive termination of this Agreement, including without limitation records retention requirements, governing law, and remedies.

E. Severability.

The parties agree if any provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining provisions will not be affected.

F. Counterparts.

This Agreement may be executed in several counterparts, all of which when taken together constitute one agreement, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

G. No Intended Beneficiaries.

Cache County and Millville City are the only parties to this Agreement and are the only parties entitled to enforce its terms.

H. Assignment.

Millville City may not assign or transfer its interest in this Agreement without the prior written consent of Cache County.

I. Merger.

This Agreement and any exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

J. Applicable Law.

This Agreement shall be administered and interpreted in accordance with the laws of the State of Utah. Jurisdiction and venue shall be in the First District Court, Cache County, Utah.

K. Term and Termination.

With the exception of the indemnification provision which shall continue until any applicable statute of limitations has run, this agreement shall terminate upon completion of the project referenced herein or within 6 years of the project's approval by the Cache County Council whichever occurs first.

IN WITNESS THEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers as of the day, month, and year first above written.

CACHE COUNTY

By _____
CACHE COUNTY EXECUTIVE

ATTEST:

By _____
Title _____

MILLVILLE CITY

By _____
MAYOR

ATTEST:

By _____
Title _____



AGENDA REPORT: RIVER HAWK SUBDIVISION

December 9, 2021

Background

In 2018, the City Council received notice of the River Hawk Subdivision which contains the property on which Ridgeline High School sits.

The River Hawk Subdivision was never accepted or recorded by the Millville City Council, because the final engineering was never completed by the Cache County School District and the required water shares were never transferred to Millville City.

The 4.5 shares from Millville Irrigation Company have now been transferred to the City and we would like to finish up approval for this subdivision.

The Council should review the plat and decide what should be required to finish everything up and get it recorded.



FINAL PLAT

RIVER HAWK SUBDIVISION

PROJECT TITLE



Cache • Landmark
Engineers
Surveyors
Planners

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 30 MAY 2018

SCALE: 1" = 100'

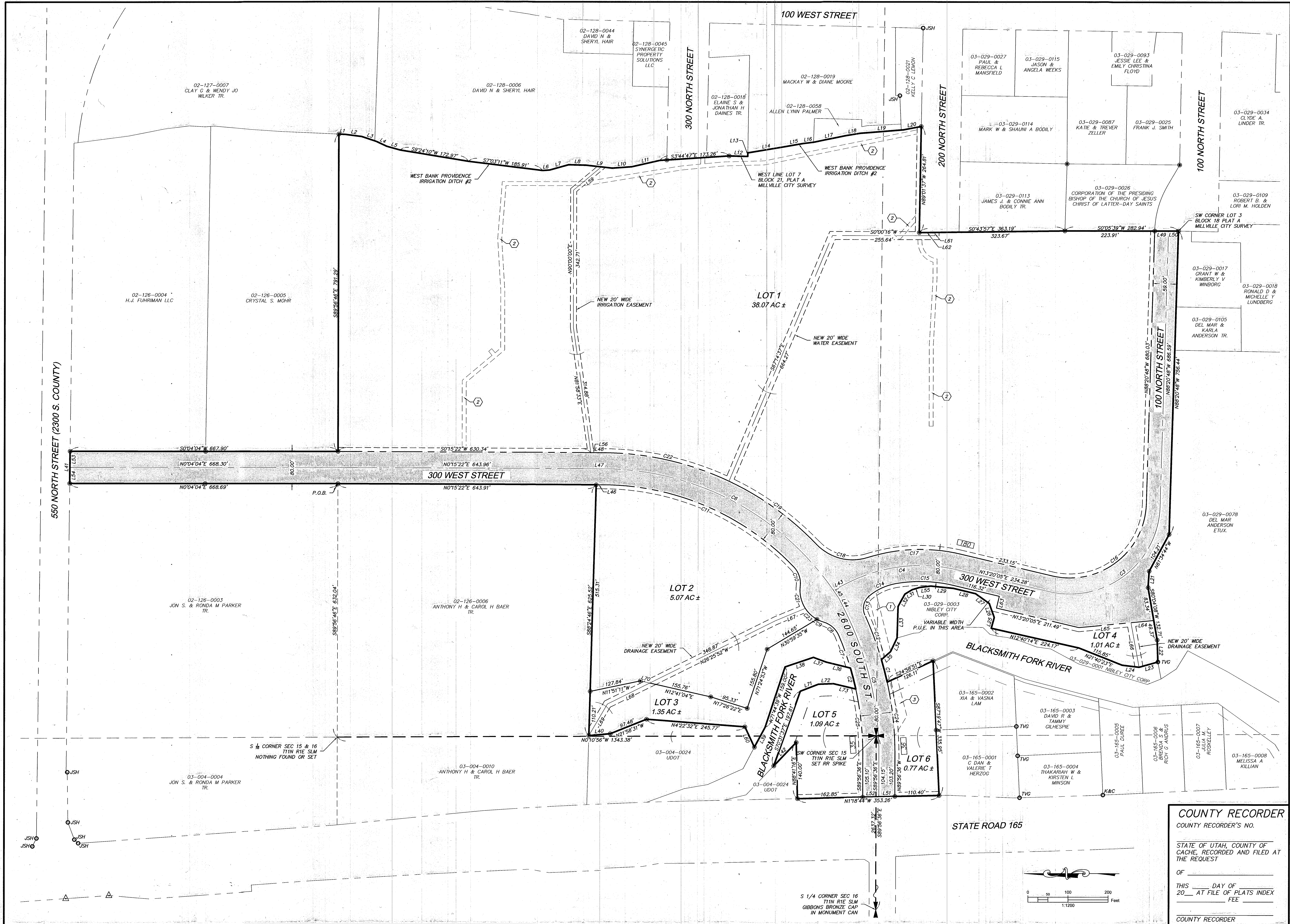
CALCULATIONS BY: S. EARL

CHECKED BY: S. CROOKSTON

APPROVED BY: S. EARL

PROJECT NUMBER: 675-1201.21

SHEET: 2 of 2



COUNTY RECORDER
COUNTY RECORDER'S NO.
STATE OF UTAH, COUNTY OF
CACHE, RECORDED AND FILED AT
THE REQUEST
OF
THIS DAY OF
20 AT FILE OF PLATS INDEX
FEE
COUNTY RECORDER

RIVER HAWK SUBDIVISION
PART SECTIONS 15, 16, 21 & 22, TOWNSHIP 11 NORTH,
RANGE 1 EAST, SALT LAKE MERIDIAN
CACHE COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, STEVEN C. EARL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 318575-2201, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS RIVER HAWK SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART OF SECTIONS 15, 16, 21 AND 22, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE CITIES OF MILLVILLE AND NIBLEY, CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE N0°10'56"W 1343.38 FEET TO THE SOUTH SIXTEENTH CORNER COMMON TO SAID SECTIONS 15 AND 16; THENCE S89°56'46"E 632.04 FEET ALONG THE SOUTH SIXTEENTH LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING; THENCE N0°04'04"E 668.69 FEET TO THE SOUTH LINE OF 550 NORTH STREET;

THENCE S89°22'48"E 80.00 FEET ALONG SAID SOUTH LINE; THENCE S0°04'04"W 667.90 FEET TO SAID SIXTEENTH LINE; THENCE S89°56'46"E 791.29 FEET ALONG SAID SIXTEENTH LINE TO THE WEST BANK OF PROVIDENCE IRRIGATION DITCH NUMBER 2; THENCE ALONG SAID BANK THE FOLLOWING FOURTEEN COURSES:

1. S02°36'11"W 16.58 FEET; 2. S07°14'00"W 40.79 FEET; 3. S18°50'29"W 38.60 FEET; 4. S24°43'58"W 28.56 FEET; 5. S15°51'18"W 34.17 FEET; 6. S09°24'10"W 172.97 FEET; 7. S07°03'11"W 185.91 FEET; 8. S03°15'00"E 18.10 FEET; 9. S15°48'51"E 49.34 FEET; 10. S01°29'52"W 43.96 FEET; 11. S06°23'16"W 65.01 FEET; 12. S04°02'46"E 48.94 FEET; 13. S12°48'09"E 71.53 FEET; 14. S03°44'47"E 173.26 FEET TO THE WEST LINE OF LOT 7, BLOCK 21, PLAT A, MILLVILLE CITY SURVEY; THENCE S01°22'45"W 46.15 FEET ALONG SAID WEST LOT LINE; THENCE S89°01'37"E 8.84 FEET TO THE WEST BANK OF SAID DITCH; THENCE ALONG SAID BANK THE FOLLOWING SEVEN COURSES:

1. S9°29'12"E 95.97 FEET; 2. S10°03'51"E 44.31 FEET; 3. S6°43'30"E 25.96 FEET; 4. S11°37'16"E 81.71 FEET; 5. S9°24'01"E 36.56 FEET; 6. S4°32'17"E 108.41 FEET; 7. S11°00'31"E 44.95 FEET TO THE NORTH LINE OF 200 NORTH STREET; THENCE N89°01'37"W 264.81 FEET ALONG SAID NORTH LINE; THENCE S00°43'57"E 363.19 FEET ALONG A FENCE; THENCE S00°05'39"W 282.94 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 18, PLAT A, MILLVILLE CITY SURVEY; THENCE N88°20'48"W 756.44 FEET;

THENCE ALONG A FENCE THE FOLLOWING FOUR COURSES:

1. N61°34'44"W 104.21 FEET; 2. N86°18'40"W 40.89 FEET; 3. N87°04'08"W 132.71 FEET; 4. S87°05'27"W 54.68 FEET TO A REBAR WITH TIM GIBBONS CAP; THENCE ALONG THE BROW OF A HILL ADJACENT TO THE EAST BANK OF THE BLACKSMITH FORK RIVER THE FOLLOWING FOURTEEN COURSES:

1. N15°40'20"W 48.86 FEET; 2. N07°01'49"E 42.57 FEET; 3. N21°40'23"E 115.85 FEET; 4. N12°40'14"E 224.17 FEET; 5. S74°51'40"E 27.70 FEET; 6. N70°36'20"E 36.88 FEET; 7. N35°24'28"E 42.32 FEET; 8. N13°25'33"E 56.24 FEET; 9. N05°46'05"E 57.21 FEET; 10. N07°25'51"W 28.39 FEET; 11. N16°54'54"W 18.52 FEET; 12. N13°09'53"W 21.79 FEET; 13. N61°23'27"W 34.99 FEET; 14. N88°15'37"W 78.32 FEET TO SAID BANK; THENCE N64°47'04"W 37.76 FEET ALONG SAID BANK; THENCE N41°32'35"W 30.41 FEET ALONG SAID BANK; THENCE WESTERLY 57.75 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 840.00 FEET AND A LONG CHORD BEARING S75°35'48"W 57.73 FEET TO THE WEST BANK OF THE BLACKSMITH FORK RIVER; THENCE S24°58'51"E 126.11 FEET TO THE NORTHEAST CORNER OF RIVERSIDE RANCH SUBDIVISION PHASE 1; THENCE S87°19'47"W 335.95 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE EAST LINE OF STATE ROAD 165; THENCE N17°48'44"W 353.26 FEET ALONG SAID EAST LINE; THENCE N88°41'16"E 140.00 FEET; THENCE N46°18'44"W 80.99 FEET TO THE WEST BANK OF SAID RIVER; THENCE ALONG SAID BANK THE FOLLOWING FOUR COURSES:

1. S70°31'37"E 197.61 FEET; 2. S21°07'43"E 48.07 FEET; 3. S15°57'52"E 37.75 FEET; 4. S13°14'22"W 57.31 FEET; THENCE EASTERLY 53.80 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 760.00 FEET AND A LONG CHORD BEARING N75°32'15"E 53.79 FEET TO THE EAST BANK OF THE BLACKSMITH FORK RIVER; THENCE ALONG SAID BANK THE FOLLOWING FIVE COURSES:

1. N13°47'13"E 63.21 FEET; 2. N21°02'57"E 32.94 FEET; 3. N18°42'14"W 74.80 FEET; 4. N71°44'39"W 159.00 FEET; 5. N61°45'04"W 55.74 FEET; THENCE ALONG A FENCE THE FOLLOWING FOUR COURSES:

1. N64°48'56"E 56.03 FEET; 2. N04°22'32"E 245.77 FEET; 3. N21°58'31"W 97.48 FEET; 4. N05°00'26"W 53.63 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED IN A TAX SALE IN ABSTRACT BOOK 12 PAGE 81 LINE 41; THENCE S88°24'46"E 625.52 FEET ALONG SAID SOUTH LINE; THENCE N00°15'22"E 643.91 FEET ALONG A FENCE AND ITS PROLONGATION TO THE POINT OF BEGINNING. CONTAINING 55.17 ACRES, MORE OR LESS.

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY BRUCE PARKER OF THE CACHE COUNTY SCHOOL DISTRICT TO VERIFY ACREAGE, SET CORNERS, AND DEDICATE STREETS AS PART OF THE PURCHASE OF THIS PROPERTY FOR A NEW HIGH SCHOOL.

SEVERAL SURVEYS IN THE AREA DONE BY JEFF HANSEN WERE RETRACED AND HELD TO RE-ESTABLISH THE EASTERLY BOUNDARY. THE SOUTHWEST CORNER OF SECTION 15 WAS SET AT THE LOCATION PERPETUATED BY HANSEN IN SURVEY 2010-0062. THE EASTERLY BOUNDARY OF PARCEL 03-004-0024 WAS HELD IN ACCORDANCE WITH FENCES, DUE TO MINOR DEED DISCREPANCIES. THE SOUTH LINE OF PARCEL 02-126-0006 WAS HELD IN ACCORDANCE WITH A LEGAL DESCRIPTION FOUND FOR SAID PARCEL IN ABSTRACT BOOK 12 PAGE 83 LINE 41. IT IS BELIEVED THAT SAID LINE ORIGINATED AS PART OF THE PROVIDENCE FARM SURVEY, AS POSSESSION SEEMS TO MATCH THIS PATTERN OF EVIDENCE AS MEASURED FROM THE NORTH. THE SOUTH 1/16 LINE OF SECTION 15 WAS RETRACED BY LOCATING ALL MONUMENTED CORNERS AND HOLDING POSSESSION LINES AND BEARING BREAKS AT THE CENTER AND SOUTH 1/4 CORNERS. THE SECTION MEASURES LARGER THAN RECORD. OTHER EVIDENCE WAS HELD AS SHOWN.

THE BASIS OF BEARINGS USED WAS A ONE-POINT NORTH PROJECTION (WGS-84) FROM THE CACHE COUNTY SURVEYOR'S NIBLEY CITY GPS MONUMENT SET IN 1998. 5/8" X 24" REBARS W/ORANGE PLASTIC CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AT THE LOCATIONS INDICATED.

NOTES & RESTRICTIONS

- PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OF OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
- PURSUANT TO UTAH CODE ANN. § 17-27a-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. 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:
(i) A RECORDED EASEMENT OR RIGHT-OF-WAY
(ii) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(iii) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND FACILITIES OR
(iv) ANY OTHER PROVISION OF LAW.
- 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 ABOGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNER'S 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.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO PUBLIC HEALTH AND SAFETY.
- AREAS IN NIBLEY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTH OF A WATER TABLE. THE CITY'S APPROVAL OF A FINAL PLAT BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WOULD SOLVE SUBSURFACE OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING ELEVATION AND/OR GRADING AND DRAINAGE ARE UNIQUE TO EACH BUILDING SITE, REMAIN SOLELY WITH THE BUILDING PERMIT APPLICATION, PROPERTY OWNER AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSURFACE OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR SUCH CONCERNS INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.

KEY NOTES

- ENTRY 1113222 20' QUESTAR GAS EASEMENT
- ENTRY 1130964 10' ROCKY MOUNTAIN POWER EASEMENT
- ENTRY 1113223 20' QUESTAR GAS EASEMENT

OWNER'S DEDICATION AND CONSENT TO RECORD

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

RIVER HAWK 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 OWNERS 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. FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

BY: CACHE COUNTY SCHOOL DISTRICT

DALE HANSEN, DIRECTOR

BY: NIBLEY CITY CORPORATION

SHAUN DUSTIN, MAYOR

DAVID ZOOK, RECORDER

ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF CACHE

ON THIS 26th DAY OF July, IN THE YEAR 2018, BEFORE ME, Curt D Jenkins, A NOTARY PUBLIC, PERSONALLY APPEARED DALE HANSEN, DIRECTOR OF THE CACHE COUNTY SCHOOL DISTRICT, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: Curt D Jenkins
NOTARY PUBLIC FULL NAME: Curt D Jenkins
COMMISSION NUMBER: 700211
MY COMMISSION EXPIRES: May 3, 2022
A NOTARY PUBLIC COMMISSIONED IN UTAH

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF CACHE

ON THIS 3rd DAY OF August, IN THE YEAR 2018, BEFORE ME, Cheryl Bodily, A NOTARY PUBLIC, PERSONALLY APPEARED SHAUN DUSTIN, MAYOR OF NIBLEY CITY CORPORATION AND DAVID ZOOK, RECORDER OF NIBLEY CITY CORPORATION, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT AND ACKNOWLEDGED THAT THIS DOCUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF STATE AND LOCAL LAWS AND SAID SHAUN DUSTIN AND DAVID ZOOK EACH DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME AND THAT THE SEAL FIXED IS THE SEAL OF SAID CORPORATION.

NOTARY PUBLIC SIGNATURE: Cheryl Bodily
NOTARY PUBLIC FULL NAME: Cheryl Bodily
COMMISSION NUMBER: 692258
MY COMMISSION EXPIRES: 11/29/20
A NOTARY PUBLIC COMMISSIONED IN UTAH

MILLVILLE MAYOR'S APPROVAL AND ACCEPTANCE

PRESENTED TO THE MILLVILLE CITY MAYOR THIS 26th DAY OF July, A.D. 2018, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MILLVILLE MAYOR

CITY RECORDER

NIBLEY CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS 6th DAY OF June, A.D. 2018, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

NIBLEY MAYOR

CITY RECORDER

MILLVILLE PLANNING COMMISSION APPROVAL AND ACCEPTANCE

PRESENTED TO THE MILLVILLE CITY PLANNING COMMISSION CHAIRMAN THIS DAY OF July, A.D. 2018, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

MILLVILLE PLANNING COMMISSION CHAIRMAN

NIBLEY PLANNING COMMISSION APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION CHAIRMAN THIS DAY OF May, A.D. 2018, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

NIBLEY PLANNING COMMISSION CHAIRMAN

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED.

DOMINION ENERGY _____ DATE _____
ROCKY MOUNTAIN POWER _____ DATE _____
CENTURY LINK COMMUNICATIONS _____ DATE _____
COMCAST COMMUNICATIONS _____ DATE _____

MILLVILLE ENGINEER'S CERTIFICATE

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.

DATE

MILLVILLE CITY ENGINEER

NIBLEY ENGINEER'S CERTIFICATE

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.

DATE

NIBLEY CITY ENGINEER

CURVE TABLE					
CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	57.75'	840.00'	3°56'20"	S75°35'48"W	57.73'
C2	53.80'	760.00'	4°03'20"	N75°32'15"E	53.79'
C3	399.30'	225.00'	101°40'53"	S37°30'21"E	348.93'
C4	281.53'	400.00'	40°19'32"	N6°49'41"W	275.75'
C5	372.48'	800.00'	26°40'37"	N76°43'05"E	369.13'
C6	676.59'	700.00'	55°22'46"	N27°41'23"E	650.56'
C7	85.50'	760.00'	6°26'44"	N70°17'13"E	85.45'
C8	52.82'	60.00'	50°26'31"	N41°50'35"E	51.13'
C9	18.20'	83.00'	12°33'51"	S22°54'15"W	18.16'
C10	51.24'	58.00'	50°37'02"	N71°43'53"E	49.59'
C11	534.75'	660.00'	46°25'22"	N23°12'41"E	520.24'
C12	119.05'	840.00'	8°07'13"	N69°34'02"E	118.95'
C13	51.87'	40.00'	74°17'32"	N77°20'49"W	48.31'
C14	74.09'	140.00'	30°19'25"	N25°02'20"W	73.23'
C15	145.84'	360.00'	23°12'43"	N1°43'44"E	144.85'
C16	338.08'	190.50'	101°40'53"	S37°30'21"E	295.42'
C17	237.21'	440.00'	30°53'20"	N20°06'35"W	234.35'
C18	137.05'	123.00'	63°50'26"	S14°21'59"W	130.07'
C19	271.74'	740.00'	21°02'25"	N35°45'59"E	270.22'
C20	57.95'	83.00'	40°00'24"	S77°02'12"W	56.78'
C21	326.07'	740.00'	25°14'47"	N12°37'23"E	323.44'
C22	40.34'	83.00'	27°50'49"	S43°06'35"W	39.94'
C23	183.12'	840.00'	12°29'26"	N83°48'41"E	182.76'
C24	165.69'	760.00'	12°29'29"	N83°48'39"E	165.36'

LEGEND

BOUNDARY/LOT LINE

SECTION LINE

RIGHT-OF-WAY

CENTERLINE

FENCE

PUBLIC UTILITY EASEMENT HEREBY DEDICATED
* 10-FOOT WIDE OR AS SHOWN

PUBLIC TRAIL & UTILITY EASEMENT
* 30-FOOT WIDE

PUBLIC STREET HEREBY DEDICATED

STREET ADDRESS

SET REBAR WITH CAP

JSB REBAR WITH JSB CAP

TVG REBAR WITH TIM GIBBONS CAP

K&C REBAR WITH KNIGHTON & CROW CAP

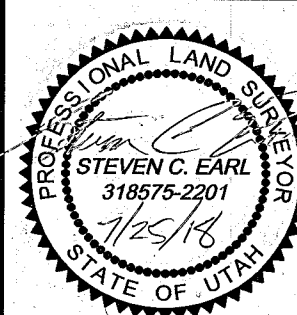
STATE R/W MONUMENT

SECTION CORNERS

NIBLEY APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 21st DAY OF September, A.D. 2018

NIBLEY CITY ATTORNEY

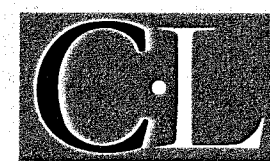


FINAL PLAT

SHEET DESCRIPTION:

RIVER HAWK SUBDIVISION

PROJECT TITLE:



Cache • Landmark
Engineers
Surveyors
Planners
95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 25 JULY 2018

SCALE: NA

CALCULATIONS BY: S. EARL

CHECKED BY: S. CROOKSTON

APPROVED BY: S. EARL

PROJECT NUMBER: 675-1201.21

SHEET:

1 of 2

COUNTY RECORDER

COUNTY RECORDER'S NO.

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

OF

THIS DAY OF 20 AT FILE OF PLATS INDEX

COUNTY RECORDER



AGENDA REPORT: SHORT-TERM RENTALS

December 9, 2021

Background

Beginning in August 2020, the Planning Commission reviewed concerns relating to short-term or vacation rentals in the City. The City Council at that time reviewed what was being discussed, but there was not a lot (or majority) of interest in pursuing code updates to manage short-term rentals.

This issue gets more complex as it often leads to issues around “mother-in-law apartments”, duplexes and other accessory dwellings. To help deal with concerns about utility fees for accessory dwellings, the City Council adopted Resolution 2021-3 in January regarding utility fees for multi-family dwellings.

The City Council should make a decision on whether or not they want to pursue restrictions or require business licenses for short-term rentals within the City.

Coby Price, a concerned Millville resident, attended the last discussion in November and has provided some research into the issue which is included here.

TO: Millville City Council

FROM: Coby Price

DATE: November 29, 2021

RE: Short-term rental legal summary

The Millville City Council asked for additional legal background regarding Utah state law and local municipal ordinances regarding the regulation of short-term rentals in the state. Utah Code section 10-8-85.4 states (*emphasis added*):

- (1) As used in this section:
 - (a) "Internal accessory dwelling unit" means the same as that term is defined in Section 10-9a-511.5.
 - (b) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
 - (c) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.
 - (d) "Short-term rental website" means a website that:
 - (i) allows a person to offer a short-term rental to one or more prospective renters; and
 - (ii) facilitates the renting of, and payment for, a short-term rental.
- (2) ***Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may not:***
 - (a) ***enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or***
 - (b) ***use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.***
- (3) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the municipality records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

Under 85.4(2), a municipality is barred from prohibiting an individual from *listing* a unit on a short-term rental website, such as AirBNB, VRBO and the like, but it *does not bar* a municipality from prohibiting the act of renting an internal accessory dwelling unit for fewer than 30 consecutive days. If read carefully, 85.4(2)(b) acknowledges that municipalities may pass "an ordinance that prohibits the act of renting a short-term rental" but that municipality may not use such ordinance to prohibit the free speech of listing the unit on a website. The original text of the House Bill 253 (the precursor to the ultimate statute) included language barring municipalities from prohibiting short-term rentals themselves, but this language was removed before the law was signed into effect, showing the legislature's intent to not restrict municipalities from enforcing such a prohibition.

Additional searches of the Utah Code uncovers that there are no statutes in the Utah Code that bar a municipality from prohibiting short-term rentals. Currently, the cities in Utah that prohibit short-term rentals, whether by municipal code or staff enforcement of zoning restrictions, include: American Fork, Bountiful, Centerville, Clearfield, Cottonwood Heights, Herriman, Hurricane, Kaysville, Layton, Lehi, Logan, Midvale, Murray, North Salt Lake, Ogden, Orem, Payson, Pleasant Grove, Provo, Riverton, Roy, Salt Lake City, Sandy, Saratoga Springs, South Ogden, South Sale Lake, Spanish Fork, St. George, Syracuse, Taylorsville, Tooele, Washington, West Haven, and West Jordan.

The Utah Court of Appeals has repeatedly affirmed the ability of municipalities in the state to prohibit short-term rentals. *See e.g. Town of Alta v. Ben Hame Corp.*, 836 P.2d 797, 800 (Utah Ct.App.1992) (citing city ordinance prohibiting short-term leasing), *see also Brown v. Sandy City Bd. of Adjustment*, 957 P.2d 207 (Utah App. 1998) (recognizing Sandy City's ability to pass an ordinance to prohibit short-term rentals). The Utah Supreme Court has never issued an opinion regarding the validity of prohibitions on short-term rentals, but the many municipal ordinances around the State of Utah that contain such prohibitions have remained undisturbed.



Renters are losing out to Airbnb, and Utah won't let cities help them, Robert Gehrke says

In a brutal rental market, it doesn't make sense to deny local governments the ability to regulate offerings on sites like Airbnb and Vrbo.



(Francisco Kjolseth | The Salt Lake Tribune) Robert Gehrke.



a sought-after commodity — half of the affordable, pet-friendly duplex he was renting.

But instead of becoming someone's new residence, a Utah County woman is planning to rent both sides of the duplex, then sublet it to short-term renters. She now has five apartments set up in what is called "short-term arbitrage" and with little in the way of up-front cost, you can see the potential for this to take off.

The downside, of course, is that instead of giving someone a place to live, units like these will join the hundreds upon hundreds of short-term rentals in Salt Lake that are listed on the Airbnb site.

And here's the real kicker: The vast majority of them are illegal.

That's because in Salt Lake City and a host of other Utah cities, zoning ordinances prohibit short-term rentals in most residential areas. In Salt Lake City, that includes pretty much everywhere east of State Street, as well as large chunks of Poplar Grove, Glendale and Rose Park.

Short-term renters are also supposed to have a business license, but a considerable portion of them — there's no way to know how many — do not.

So why not just enforce the law and alleviate at least part of the city's housing crunch in the process?

Well, once again, the Utah Legislature has deprived cities across the state of the simplest means of enforcement. Because while it was easy for me to look at short-term rental listings and see which are illegally situated, in 2017 the Legislature enacted a law prohibiting cities from doing the same thing. The rationale was that, if someone's short-term rental isn't bothering anyone else, cities shouldn't arbitrarily be banning them. ✕

Department of Community and Neighborhoods.

Currently, the city is investigating two dozen short-term rental enforcement cases, Thomas said. Half of the owners have the required business license.

In Park City, Mayor Andy Beerman said he warned lawmakers that things could get out of hand if they tied cities' hands on enforcing short-term rentals — and they have.

Today there are 3,500 short-term rentals in Park City, more than a third of all the structures in town. More than a thousand of them aren't licensed, the mayor said.

“That has just devastated some of our neighborhoods. I live in Old Town, just off Main Street, and I used to have neighbors,” he said. Now most of the homes are short-term rentals.

“Bottom line is it has accelerated our loss of workforce housing, it's accelerated gentrification, it has given tools for buyers to justify high-end sales, which means it's driving property prices up and driving renters out,” he said.

The average home price in Park City surpassed \$3 million this year. With just 600 units of affordable housing in the city — about a quarter of what is needed — workers are having to move elsewhere and commute, [as my colleague Sara Tabin reported this week](#).

Many are opting to find other jobs, leaving Park City businesses competing tooth-and-nail for workers or else, unable to find staffing, are scaling back hours, even closing



so bad that they're anticipating citizen initiatives to ban short-term rentals entirely.

Some Utah local cities have tried to manage the situation.

Cottonwood Heights Mayor Mike Peterson said short-term rentals in his city have to be zoned for multi-family or mixed-use residential and either be in a condo project or a planned development — which leaves very little of the city eligible.

Looking at the listings in Cottonwood Heights, many seem to comply with the zoning requirements but a considerable number of others do not.

The city can impose a \$250 fine on the first violation, escalating to \$1,000 each day there are subsequent violations.

“I'm sure we have some people who bought a home and decided they want to take advantage of our beautiful canyons and ski resorts,” but aren't in compliance, Peterson said. Almost always when the city gets a complaint, Peterson said, the owner or landlords say they didn't know about the rules.

Sandy City passed an ordinance in 2018 requiring short-term rentals to be licensed, and then capped the number of licenses issued in each neighborhood — a smart approach. Of the 294 licenses available, only 96 are in use.

But again, looking at listings, there are more rentals available in some neighborhood than licenses issued, and not much the city can do about it unless other residents complain.

If all of this seems absurd, I agree.



Local governments understand their community's needs and should be the ones deciding where they do and don't want short-term rentals. But then depriving them of the ability to actively enforce those regulations undermines the whole concept of local control.

"We would like tools to regulate this," Beerman said. "We would like to determine what zones and neighborhoods [short-term rentals] are allowed."

At a minimum, the Legislature should let local governments use the simplest tool — the rental listings — as a starting place to identify who might be skirting local zoning ordinances.

Local councils may want to consider restricting short-term arbitrage before it explodes and bleeds off long-term rental properties.

And lawmakers could give resort communities like Park City or Moab the ability to charge an additional tax or impact fee on short-term rentals with the proceeds dedicated to affordable housing to offset the effects of the short-term rentals.

If we do this right we could convert hundreds, perhaps thousands, of units back into affordable long-term rentals, alleviate a very real housing crisis and maintain the integrity of our neighborhoods.



gehrke@sltrib.com



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AGENDA REPORT: SOUTH PARK PAVEMENT PHASE 1

December 9, 2021

Background

As discussed in a previous City Council meeting, the South Park parking lot pavement is not in great shape. This is probably the highest priority large park maintenance issue that will need to be dealt with in future years.

With the walkway project that was completed this year and the addition of more parking spaces, a portion of the pavement needs to be repaired in the middle section of the parking lot. The estimated cost for a cover-up project to fix this asphalt is between \$12,000 and \$15,000.

Per the request of the City Council, Public Works Director Kendrick has been seeking quotes to instead do a complete replacement of the middle portion of the parking lot as this is what will be needed long-term anyway. The best estimate received so far is \$64,000. This would repair the entire middle section of the parking lot (see image below). The north and south sections could be repaired in the future as needed and when additional funding is available.

Recorder Twedt has reviewed the park impact fee money available and determined that there is enough available in those funds to complete this project and still have some reserve funds available in Park Impact Fees. A breakdown of the funding is included below.

The recommendation from City Staff is to do the full asphalt replacement project for the middle section within this next year.



Reimbursable from RAPZ (Pickleball Courts and Population)	\$116,400.00
Park Impact Fee Money Available as of 6/30/21	\$176,111.00
Park Impact Revenue Collected so far in FY22	\$5,330.00
Total Cost to Complete Walkway and Pickleball Courts and curbs	-\$204,538.82
Cost to Redo Pavement on Middle Section	-\$64,000.00
Fence for Humphreys	-\$7,000.00
Park Impact Fee Left After Pavement w/ no Additional Homes	\$22,302.18

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