

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
December 9, 2021

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Eddie Walden, Chasity Tucker, Eric Weeks, Chris Coombs, Krestina Coombs, Coby Price, Lance Houser, Brad Webb, Linda Webb

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for December 9, 2021 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger, Clay Wilker and Daniel Grange were in attendance. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

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

Approval of Agenda

The agenda for the City Council Meeting of December 9, 2021 was reviewed.

Councilmember Callahan moved to approve the agenda for December 9, 2021.

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

Approval of Minutes of the Previous Meeting

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

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

Councilmember Zollinger seconded. Councilmember June pointed out a grammatical error which was corrected in the minutes. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes.

Public Comment Period

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

Request for a Business License for Tucker Fitness

Chasity Tucker has submitted a request for a business license for Tucker Fitness at 765 E. 1950 S. Suite 102. She was present at the City Council Meeting and said that she wants to

bring a 24/7 gym to Cache Valley. She said that her gym would have something for everyone. Councilmember Zollinger pointed out that Chasity had purchased the space from Valley Girl Fitness which had been in that location previously.

Councilmember Callahan moved to approve the business license for Tucker Fitness. Councilmember Grange seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (A copy of the license application is included with the minutes as Attachment “B”).

Review Bids and Award Irrigation Water Leases

Recorder Twedt reviewed the bids that had been received for leasing City-owned water shares for the next four years. He said that the City would be able to award leases for everyone that had submitted a bid and that there were some water shares in excess that were still available. Recorder Twedt suggested that they post on the website and in the posting boxes about the excess shares and allow people to lease them on a first come first served basis with a set fee of \$100 per share and \$50 per half share per year. He said that there had been a couple of bids that exceeded this amount and suggested the City reduce those leases accordingly. The Council agreed with this plan.

Report on P & Z Meeting held November 18, 2021

Development Coordinator Kara Everton reviewed with the Council the Planning Commission’s draft minutes for the meeting held November 18, 2021.

Consideration of a Resolution Accepting the 95 North Subdivision

Councilmember June reviewed with the Council the resolution to accept the 95 North Subdivision. The Council asked about the thin access to 100 West on Lot 1. Brad Webb said that the purpose of this was to maintain access to his pasture from 100 West. Councilmember Zollinger briefly discussed the minimum lot size requirement. City Engineer Lance Houser confirmed that everything on the subdivision was in compliance with City Code.

Councilmember Grange moved to approve Resolution 2021-27. Councilmember Callahan seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment “C”).

Consideration of a Resolution Accepting County Agreement for Funding the COG 550 N. Turning Lane Project

Mayor Hair reviewed with the Council the resolution to accept the Cache County Funding Agreement for the COG project for which the City applied. This project would add a right-turn lane on to 550 North for access to the highway. It was discussed that engineering fees could not be paid for with the COG grant money, but could be paid for from the City’s

matching funds. This project was part of the original budget that was approved in June and August.

Councilmember Wilker moved to approve Resolution 2021-28. Councilmember June seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment “D”).

Alternative Sewer Technology

Councilmember Zollinger said that as discussed previously, he had started this review to look into the possibility of saving some costs on the sewer project. Councilmember Zollinger asked City Engineer Lance Houser to give a summary of what he found when he looked into the possibility of implementing the Orenco Systems alternative sewer technology as a portion of the Millville sewer system.

Lance said that he had been excited when he started digging into this and that he expected there to be more of a cost saving potential if Orenco were to be implemented in portion of the City. Unfortunately, that wasn’t the case. The analysis determined that using the Orenco Systems technology would be a cost increase if implemented in Millville. He reviewed his report on why this was the case. Recorder Twedt asked if the costs listed in the report included any of the legal or engineering work for the additional easements that would be required. Lance said that those costs would be in addition to those listed in the report.

Councilmember Zollinger discussed the possibility of reducing the depth of some of the sewer lines and requiring pumps in strategic locations to reduce the overall costs. The City Council had looked at this earlier in the project and determined that it would be better to stick with gravity and reduce the number of pumps needed as much as possible. This was before the construction and material costs had come in so high. Councilmember Zollinger suggested that the Council reconsider this as a possibility to reduce costs.

Recorder Twedt said that this would be good, but that just reducing depth would not be enough of a cost saving to get to an acceptable monthly sewer bill for the residents. He suggested that the Council wait until the City had enough grant money to make the project feasible and then look at the cost savings from reduced depth. Councilmember Grange said that he agreed that they should wait and then relook at depths. Councilmember Zollinger agreed that this should be done later.

Councilmember Zollinger also pointed out that there may still be some strategic portions of the City where the Orenco Systems technology could be used to cut costs. Lance Houser said that he agreed.

Mayor Hair and the City Council thanked Lance Houser for looking into this option and doing the analysis. (The report prepared by the City Engineer is included with the minutes as Attachment “E”).

River Hawk Subdivision

Recorder Twedt said that the City had now finally received the water shares for the River Hawk Subdivision from a couple of years ago. This had been the main reason for which the City had been waiting to finish up the approval process. He said that the Council should determine the level of review required for this subdivision since it was not a normal situation.

Councilmember Grange asked about the storm water drainage concerns that had come up previously. Mayor Hair said that he had looked at this. The water that was going into the field was coming from the property owner to the east when they were irrigating and not from the School property.

Councilmember Zollinger motioned to have P&Z do a final plat review at their next meeting and then have a resolution prepared for review and possible acceptance by the City Council on the meeting scheduled for December 23rd. Councilmember Grange Seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The related staff report is included with the minutes as Attachment “F”).

Short-Term Rentals

Councilmember Wilker said that he appreciated Coby Price for having discussed Short-Term Rentals (STR) at the previous City Council meeting as well as having researched what had been done with the legislature concerning what cities could and could not do to restrict STR. Councilmember Wilker turned the time over to Coby to review his research.

Coby said that there had been a House Bill that would have implemented a strict ban on STR, but that it had been changed significantly before it had been passed. The version that made it into the State Code made it so that a city could not restrict the posting of an STR on a website. What this meant is that a STR posting on a website could not be the only source of information or evidence of a STR for a City to issue a citation. Coby said that this would allow for neighborhoods to self-regulate a little bit. If a city has code prohibiting STR and there aren't issues, it is likely that nothing would be done. If there is an issue, then there is something in the code that would allow for enforcement as long as the City isn't using the website listing as their evidence for the Code infraction. Coby said that Salt Lake City and Logan City are both examples of this. They both have code banning STR, but there are many within their cities. They do not have the resources to regulate these infractions, but if there are issues, they have the code in place to go after those that are causing problems.

Coby said that he would suggest the City Council deal with this now and get code in place that can be used going forward.

Mayor Hair said that Mendon had some code in place that could be reviewed and possibly used as a model. Recorder Twedt said that he would gather up code from neighboring

cities so that the Council could review what they liked and didn't like and then potentially send their notes to P&Z to create a draft of what was desired.

Mayor Hair thanked Coby for looking into this and for gathering the information. (The related staff report is included with the minutes as Attachment "G".)

South Park Pavement Middle Section

Public Works Director Chad Kendrick reminded the Council of the discussion they had previously on the need for an asphalt patch near the new walkway. Because the parking area is not in good condition, a patch would be temporary and it may make more sense to do a complete replacement at this time instead of a temporary patch.

Recorder Twedt reviewed the costs and money available in the Park Impact Fee funds. There is enough money available to do the full replacement for the middle section of the parking lot and Recorder Twedt and Director Kendrick recommended the Council go that direction.

The consensus of the Council was to proceed with the full replacement project as recommended by City Staff. Recorder Twedt said that this would be reflected on the next budget adjustment early in 2022. (The related staff report is included with the minutes as Attachment "H".)

City Reports

Director Kendrick reported that the well house building was standing and progressing as planned.

Director Kendrick said that the fence along the Humphreys property line at the South Park was now complete. They had been able to get all the way to the bushes with the budget that had been designated for this project and with the different pieces of fence and pulls they were able to locate. The fence starts on the south side with a six-foot height and then drops down to five feet after passing the Humphreys shed. They had used the fence from the softball field as well as the fence pieces that Craig Humphreys had at his home. Recorder Twedt said that he appreciated the Public Works Department and their willingness to work hard to scrap together everything they could find to make the money go as far as possible on this and everything they do. Mayor Hair said that he felt the fence looked pretty good considering they were reusing old fence.

Director Kendrick said that for landscape refunds there were some issues right now with people not being able to get garage doors due to supply shortages. Chris Coombs and Krestina Coombs were present and said that this was not in their control and they were just waiting for the garage doors to complete their building north of their house. Councilmember Grange pointed out that with the time frame allowed, in this case, the

Coombs were not yet at risk of losing their deposit. Councilmember Zollinger said that he was fine with Director Kenrick determining what was fair in these cases. The Council felt like in this case, if everything else was complete and the garage doors were on order, the deposit reimbursement could be issued now.

Councilmember Reports and Items for Future Agendas

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

Recorder Twedt said that the next scheduled City Council meeting was for December 23rd and that the Council could decide if they wanted to hold a meeting that day. He said that it would likely be a short meeting, if they have one. Recorder Twedt also said that many cities have a meeting as close to January 1st as possible following an election to swear in the new officials. The first scheduled meeting in January for Millville would be on January 13th. Recorder Twedt said that he would be out of town on the 13th, so they could either schedule a meeting for the first week in January or wait until January 27th to swear in the Mayor and two Councilmembers. Councilmember Wilker had some conflicts the first week of January. The Council decided to schedule the swear ins for January 27th. They said that they would look at what was coming up by December 23rd to determine whether or not they would cancel the meeting scheduled for January 13th.

Mayor Hair said that he had met with Karlene, who runs the Post Office a couple of times and has spent time there trying to understand why the City was receiving so many complaints. He spoke with her about the complaints and about the case that had been opened with the Postal Service concerning those complaints. In his time there, there were three things that were discussed that can be relayed to Millville residents that will help them have better service with the Post Office. First, residents should pick up their packages and mail on a more regular basis. This is especially important during the holiday season when so many packages and mail are passing through that small Post Office. Second, we should be including the PO Box number on all mail. This can be done by listing the PO number after a zero following the zip code. That will allow for the workers at the post office to know which box mail is intended for if just the street address is on the package or letter. It was discussed by the Council that this can be problematic for various reasons. Third, Mayor Hair said that the sorting machines will bend the mail if it can be bent. Having a "Do Not Bend" sticker attached won't work as it can't be read by the machines. It is important that people use proper protective packaging for anything they are shipping through the Postal Service. The Council discussed the way people are treated when they enter the Post Office and that many of the new move ins come into the City to complain about their interactions with Karlene. Councilmember Zollinger said that his main concern is that the residents do not feel welcome or comfortable when they enter the Post Office. Mayor Hair said that he is leaving the case open with the Postal Service and that they would continue to work on it to see if improvements could be made.

Adjournment

Councilmember Callahan motioned to adjourn the meeting. Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. The meeting adjourned at 8:49 p.m.

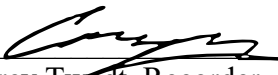
NOTICE AND AGENDA

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

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

Attachment "B"

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 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

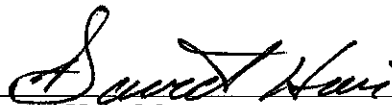
WHEREAS, the Planning Commission reviewed the request on November 18, 2021 and recommended the City Council approve this subdivision; and

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

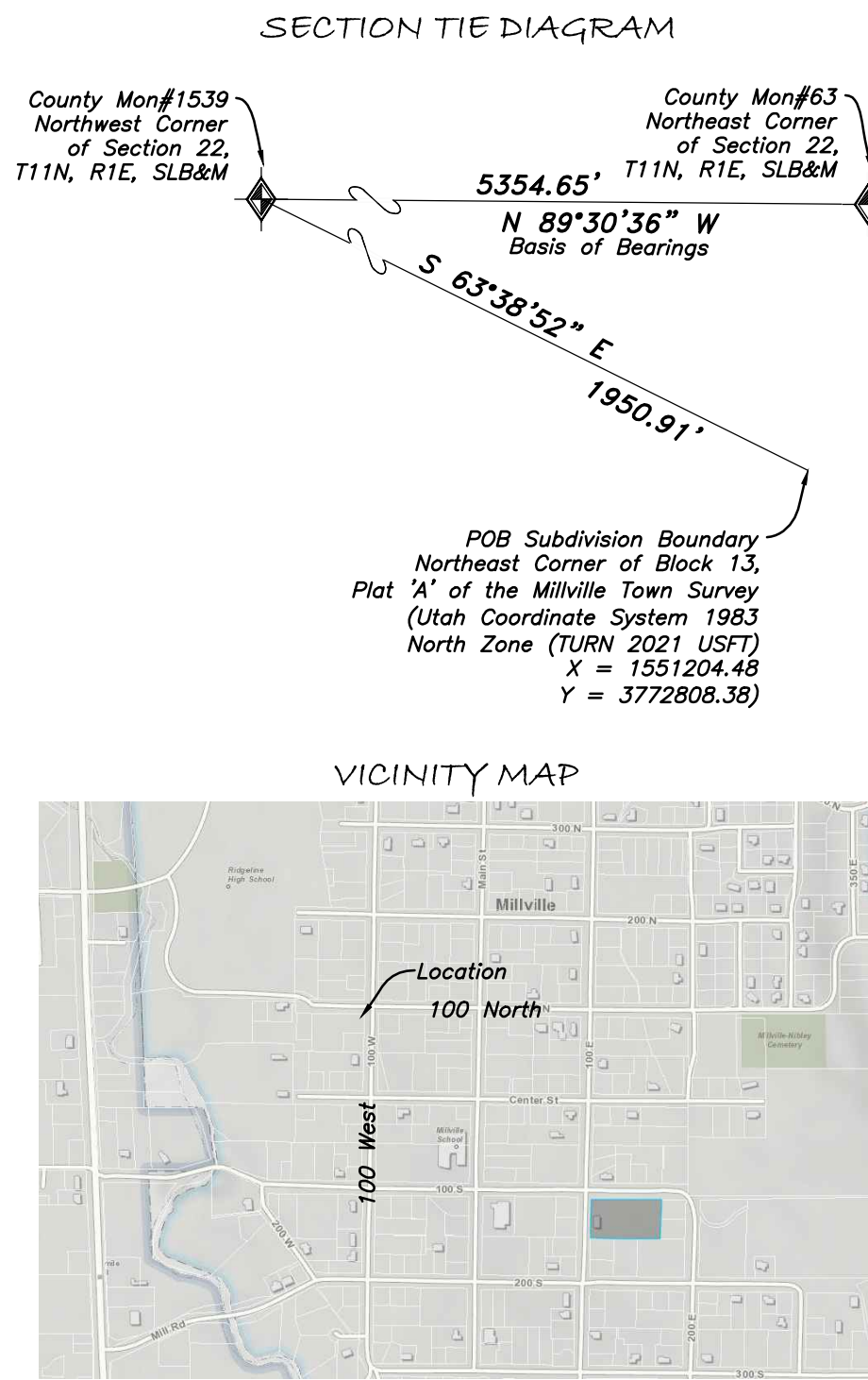
ATTEST:


Corey Twedt, City Recorder



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

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.

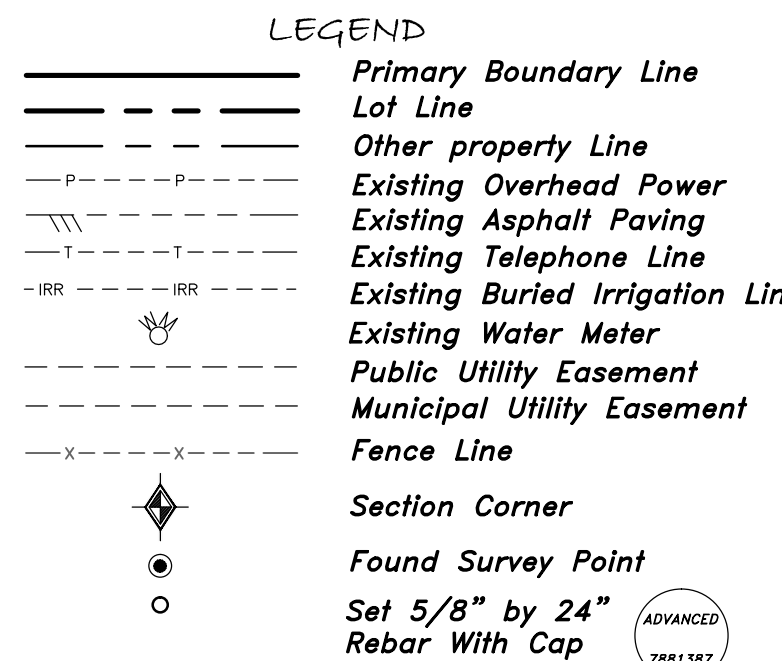
3-The Subdivision does not contain identified wetlands, flood plain, or other notable sensitive areas.

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.

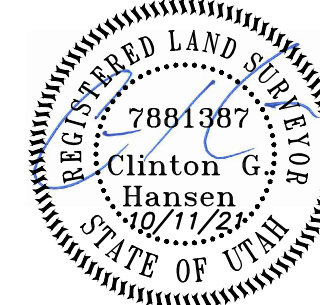
Notary public

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

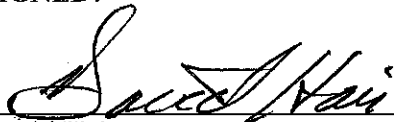
WHEREAS, Cache County Council approved the application for funding of this project on October 12, 2021; and

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	X			
Daniel Grange	X			
Clay G. Wilker	X			
Pamela June	X			
Ryan Zollinger	X			

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.

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

This Agreement is made effective this 9th day of December 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

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 *David Hain*
MAYOR

ATTEST:

By *[Signature]*
Title Recorder





MEMO

DATE: December 9, 2021

TO: Mayor Hair
Millville City Council

FROM: Lance Houser, P.E.

SUBJECT: Option to Use Orenco Systems

Last month we met with Richard Jex and heard his presentation on the possibilities for the Orenco System to help the city reduce costs. While the possibilities looked promising, it was decided to have me look quickly into the costs and to verify if Hyrum would have any issues with using the system.

The following comparisons are provided to allow the city to quickly evaluate the benefits/costs of the Orenco System Option.

1. Kevin Maughn, the plant manager of Hyrum, is against the Orenco system due to the anerobic (septic or no oxygen) condition of the discharge from each house tank. He is concerned this could seriously affect the treatment plant.
2. The mix of the anerobic discharge into the gravity sewer has the potential of odor at the manholes with the creation of hydrogen sulfide gas.
3. In a meeting with Richard Jex, the costs for the pumps and control equipment were identified as about \$4,500.
4. The cost for a 1,000-gallon pre-cast tank will be about \$4,000 not including installation. These tanks are only rated for 4-feet of cover.
5. In reviewing the memo submitted to the City Council on April 25, 2021, regarding deep trenches vs. pumps, it was noted that there are 163 homes with access deeper than 12 feet. This would require a tank down to 17 feet (5 ft deep for a 1,000-gallon tank). A summary of the total cost per tank installation is included in the Cost Estimate per Average Home Table.
6. A final table summarizes the evaluation for the following alternatives trying to use the bid-based prices from the Whitaker bid to be uniform in comparison:
 - Alternate 1: Install the Orenco system at the 163 homes, pumping to the gravity lines and raising the lines to a maximum depth of 12 feet.
 - Alternate 2: Install the Orenco system at all of the homes, replacing the gravity lines with an average of a 3-inch HDPE fused pipe delivering to the current gravity lines that would then pump to Hyrum.
 - Alternate 3: the Existing Bid.

MEMO



Cost Estimate per Average Home

	Unit	Quantity	Unit Price	Sub Total
Pump and Controls	LS	1	\$ 4,500	\$ 4,500
1,000-Gal Concrete Tank	Each	1	\$ 4,000	\$ 4,000
Tank Removal	Each	1	\$ 1,000	\$ 1,000
Excavation/Backfill	CY	573	\$ 35	\$ 20,054
Concrete Cap	SF	96	\$ 66	\$ 6,336
Total per Home				\$ 35,890

Comparison of Options

Estimates	Homes	Pump Stations	Balance of system and to Hyrum	Total
Alternate 1, limited Orenco	163	\$,850,022	\$ 24,271,227.00	\$ 30,121,248.70
Alternate 2, all Orenco	711	\$ 5,517,579	\$ 15,370,362.00	\$ 40,887,941.33
Existing Bid	-	-	-	\$ 25,817,777.00

Conclusion

While I was optimistic that this was going to at least be competitive with the other options when starting, the cost of excavation and the need for a concrete dispersing cap above the tank to carry the soil loads that are much more than 4 feet disproportionately impacted the Orenco alternatives. As the excavation was the controlling cost, efforts were focused on minimizing the excavation. Even excavation quantities may be underestimated with 1:1 (45 degree) slopes compared to OSHA requirements, particularly the in the cobble soil areas.



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'

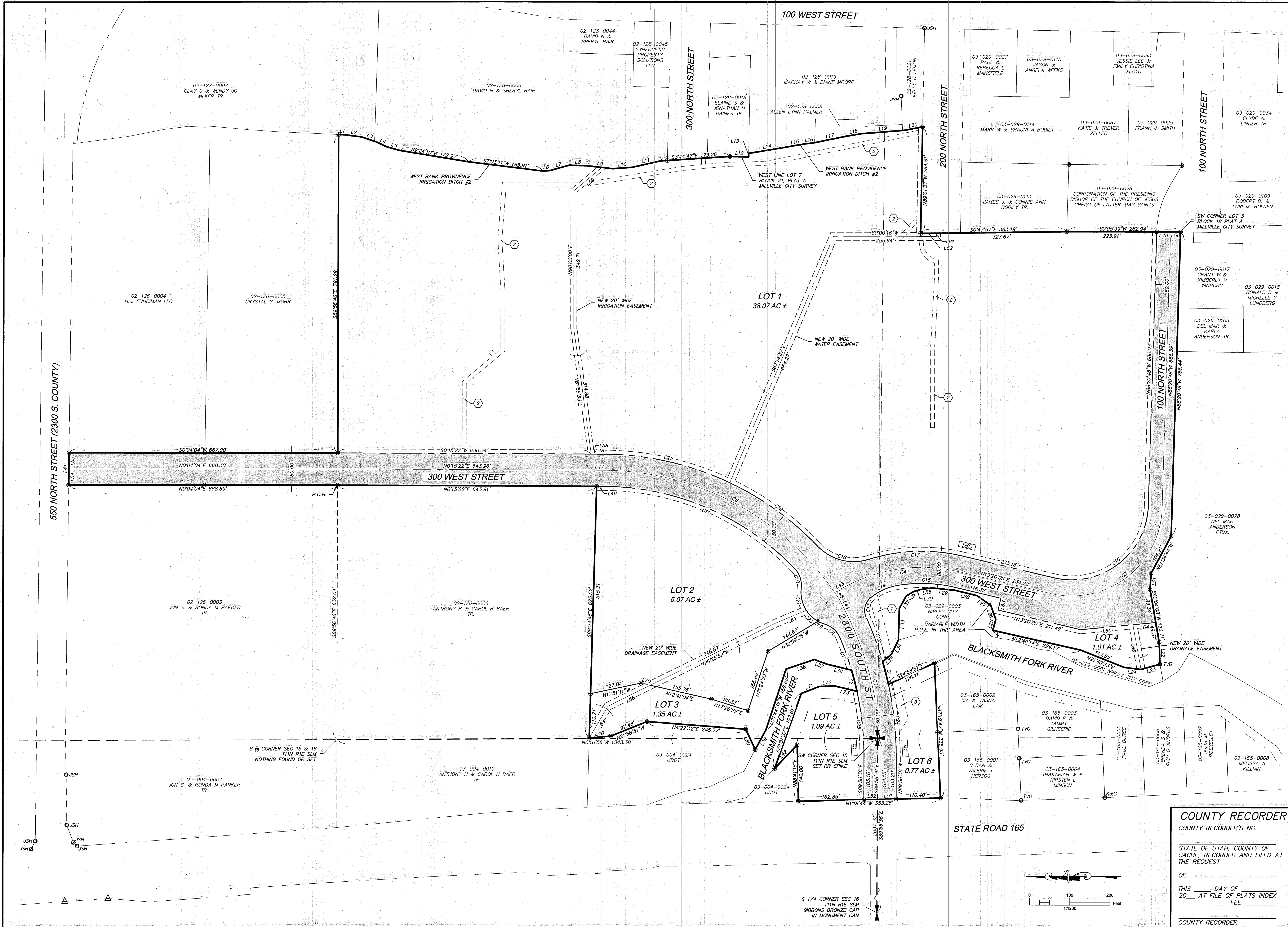
CALCULATIONS BY: S. EARL

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. N31°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°18'44"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 EQUIT. 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'
C21	57.95'	83.00'	40°00'24"	S77°02'12"W	56.78'
C22	326.07'	740.00'	25°14'47"	N12°37'23"E	323.44'
C23	40.34'	83.00'	27°50'49"	S43°06'35"W	39.94'
C24	183.12'	840.00'	12°29'26"	N83°48'41"E	182.76'
C25	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

JSH REBAR WITH JSH 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

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.



The Salt Lake Tribune

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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

 Follow @RobertGehrke

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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