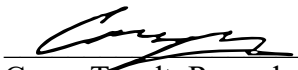
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, October 27, 2022, 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 Callahan
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – September 22, 2022
5. Agenda Items—
    A. Public Comment Period (2 min/person)
    B. Business License Request for Bam Bam Apparel at 223 N. 100 W. – Courtney Funk
    C. CAPSA presentation regarding Domestic Violence Awareness – Sarah Fitzgerald
    D. Parking Code Enforcement Hearing for Casey – Recorder Twedt
    E. Discussion on US Postal Service mail delivery – Steve Stacey
    F. Report on P&Z Meetings held October 6, 2022 and October 20, 2022 – Development Coordinator Everton
    G. Consideration for Approval of Gary Stauffer Rezone Request on Parcel 02-124-0009 (approximately 700 North Main) from Agricultural (A) to Residential (R2) – Recorder Twedt
    H. Consideration of Resolution accepting the Pehrson Subdivision (approximately 300 North 100 East) – Recorder Twedt
    I. Consideration for approval of the Cache Waste Consortium Interlocal Agreement between Cache County and the Municipalities of Cache County for creation of an entity for County and Municipal Solid Waste Disposal – Mayor Hair
    J. Consideration of Acceptance of Millville Park Extension Annexation Petition – Recorder Twedt
    K. 300 South to Nibley 3200 South COG Project – Mayor Hair
    L. Request for a gravel pit on Celco property – Recorder Twedt
    M. Discussion on potential fiber internet franchise agreement – Councilmember Zollinger
    N. Street light request for 600 East Center – Recorder Twedt
    O. Update on Cemetery Lawsuit – Mayor Hair
    P. Utility Bill Adjustment Review for FY23 Q1 – Treasurer Hobbs
    Q. Budget Review for FY23 Q1 – Recorder Twedt
    R. City Reports: Roads, Parks, Water – Public Works Director Kendrick
    S. Councilmember Reports and Other Items for Future Agendas
    T. Closed Session to Discuss Open Litigation (if needed)
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 October 24, 2022 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
September 22, 2022

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Joe Fuhriman, Donna Jean Humphreys, Dirk Lewis, Deborah Covert, Maria Wilkes, Ty Wilkes, Brad Gibbons, Alex Bearnson, Jase Allen, Hans Peterson, Cody Anhder, Linn Stuebner

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Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for September 22, 2022 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 Wilker welcomed everyone to the Council Meeting. He said that he had just come from the open house for the new well which is complete and in service. At the open house John Parker was recognized for his efforts in helping the City pick the location for the new well. Councilmember Wilker then led all present in the pledge of allegiance and offered a word of prayer.

Approval of Agenda

The agenda for the City Council Meeting of September 22, 2022 was reviewed. **Councilmember Callahan moved to approve the agenda for September 22, 2022.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange 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 September 8, 2022. **Councilmember Zollinger moved to approve the minutes for September 8, 2022.** Councilmember Callahan seconded. Councilmember June pointed out a grammatical error which was corrected. Councilmembers Callahan, June, Wilker, Grange 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.

Councilmember Callahan motioned to defer the business license request for later in the meeting as Cody Anhder had not yet arrived. Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request to plant trees on edge of Mond-Aire Park

Brad Gibbons said that he and his wife are looking for a service project for their kids and would like to purchase shade trees and plant them along the edge of Mond-Aire Park.

Brad explained that he has been looking at potential options for types of trees that he thinks would do well in that location. He said that they could either plant them between the sidewalk and curb or between the sidewalk and where the grass begins to slope down into the retention pond which is about ten feet in length. He said that he would like to begin with trees along the west end, but if other neighbors were interested in purchasing additional trees, they would want to plant more along the other sides of the park as well.

Mayor Hair asked Public Works Director Chad Kendrick what he thought. Director Kendrick said that each tree comes with additional maintenance and that his concern is that residents get excited about something initially and then their interest fades over time. Director Kendrick pointed out the amount of garbage left in the grass up at the park and that it takes several minutes each time they mow just to clean things up. Chad said that there is a lot of clay in that area, so they would need to find trees that can survive in that environment. Chad said that the trees would need to have a two-inch caliper minimum and that he would prefer the inside rim and not between the sidewalk and the curb.

Councilmember Callahan motioned to allow the planting of trees if Director Kendrick provides approval on the type of tree, quantity and location for where the trees will be planted. Councilmember June seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request to exchange Parker Spring for Garr Spring water shares

Dirk Lewis said that his goal is to get some water on the Covert property. He said that he has been speaking to a water engineer. Initially he thought the issue with the spring was a result of the City digging the new well since the timeline seemed like it lined up. The engineer he has been speaking to has said that there was no way the well affected this spring considering the depth differences.

Dirk said he now thinks it is likely that the additional development of Garr Spring that was done by the City in 2007 was what has ultimately resulted in Parker Spring drying up. Dirk said that he doesn't think the drought over the past couple of years is the cause.

Donna Jean Humphreys said that water from that location is piped underneath the park to their property. They still have water and want to make sure nothing happens to Parker Spring that would affect the water they receive and use further west.

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Director Kendrick said that he has heard that many of the shallow springs throughout Cache Valley are having major reductions in their water quantity because of the drought. He said that if the Coverts were to dig a hole in that location, they would see that there is still water down there that is just not surfacing as much anymore.

Dirk said that the water engineer thought it likely that they would have water back at the Parker Spring at some point in the future. Dirk would like to see if there is an option for them to temporarily use City-owned Garr Spring water shares.

Councilmember Callahan said that he is the water master for one of the irrigation companies and he is hearing that this is the worst drought in this area in hundreds of years.

Recorder Twedt said that originally Dirk blamed the dry spring on the City's new well which was dug over the past two years as this lined up to when the spring went dry. When he was told that this couldn't be the case, he shifted to blaming the dry spring on the City's development of Garr Spring. This happened fifteen years ago and did not line up with the timing of the spring drying up at all. And this water transfer deal happened in 1986. Nobody knew at that time what would happen with water over the next 36 years. The City attorney has stated that there are State statutes in place that do not allow the transfer of water that does not have an equal or greater benefit to the residents of a City. The transfer of Garr Spring water shares to the Coverts in exchange for a dry well would not be an equal benefit for Millville residents.

Director Kendrick pointed out that the City is not using water from Garr Spring all the time as there are other shareholders. If the development of Garr Spring were causing the issues for Parker Spring, when the City isn't taking any water from Garr Spring, shouldn't Parker Spring have water?

Councilmember Zollinger said that springs are not guaranteed water sources. Sometimes they dry up. This deal was made 36 years ago and even if the City Council wanted to give the Coverts water shares from Garr Spring, legally they wouldn't be able to do so.

Councilmember Callahan said that the Spring Creek Spring has been going dry over the past few years as well. Councilmember Callahan said that perhaps the City could lease Garr Spring water shares if they were not being used by the City. Recorder Twedt said that these water shares are extremely important and valuable to the City and each share owned is used 100% in the City water system. This is why the City leases out water shares they own from other irrigation companies but never from Garr Spring.

The Council reiterated that they could not make an exchange of Garr Spring water shares for a spring that is dry as it is not legal to do so. Recorder Twedt said that even if it were legal, he thinks that this would be the wrong thing to do for the City. The original exchange was made in good faith 36 years ago. There was no guarantee of spring water for years to come nor would anyone make that type of guarantee. The reason the law exists for how cities can exchange water shares is because it would not be fair for the City to give

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water shares to the Coverts as it would benefit them, but have a negative affect for all other Millville City residents.

Councilmember Callahan motioned to return to the business license request (Item B on the agenda) as Cody Anhder was now present. Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request for a Business License for Accurate Maintenance

Cody Anhder has submitted a request for a business license for Accurate Maintenance at 32 West 200 North. Cody explained that all the work for the business would be done on site at other locations and not at the home. Recorder Twedt asked Cody where he planned to park his trailers and other vehicles. Cody said that they would be in the back of his home and not on the road. **Councilmember Callahan moved to approve the business license for Accurate Maintenance.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the license application is included with the minutes as Attachment "B".)

Consideration of Resolution of Intent for a Boundary Line Adjustment moving Alder Property (parcels 03-002-0001, 03-002-0002 and 03-002-0009) from Millville City to Providence City

Mayor Hair introduced Alex Bearnson. Alex said that he is planning on developing these parcels and adjacent parcels to the north. He said that the property owners would prefer to stay in Millville if they could. They have looked at this option with their engineers. Even at the minimum slope, the elevation isn't there for gravity flow sewer into the Millville system. Alex said that it would be costly to bring utilities out to this location from where they currently are in Millville and that he didn't see any way to make this feasible from a cost standpoint.

The Council asked what type of development was planned in that location as they had asked before and had not received any information. Alex said that they are planning to do medium-density housing. He said that Providence City was planning to pay for the impact fees for this development. He said that if Millville were willing to come to the table in that type of way, they may be able to make the development work within Millville City. Alex said that Millville currently did not have zoning that would allow for this type of development and the Providence zoning was also in need of updates. Alex said that he was willing to work with Millville in creating zoning for higher-density housing for this part of the City.

Mayor Hair said that the Council needed more time to look into things. Councilmember Zollinger said that Millville would need to see a concept plan of what development is being considered so that they could see how they could help make it work in Millville.

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Councilmember Zollinger motioned to table the BLA request until after the Council had more of an opportunity to understand what was intended for the property. Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Councilmember Zollinger asked Alex to provide concept plans for the development. Alex said that he would.

Alex said that he had also started a conversation with the Providence City Manager for the option of developing in Millville with some utilities potentially provided by Providence City. (The related staff report is included with the minutes as Attachment "C".)

Discussion on internal accessory dwelling utility rates

Recorder Twedt said that as was indicated in the staff report, from the research he had done, he disagreed with several of the rate numbers that were provided by Linn Stuebner. He pointed out that comparisons can be difficult in that cities account for things in different ways.

Linn Stuebner said that she gathered the information by calling the cities and the taxing entities. She said that it is very expensive to have a basement apartment in Millville City. Linn explained that she comes from Alpine and had a basement apartment there for which she was only charged $50 per year. She said that Alpine did this proactively to eliminate the need to add high-density housing in the future.

Linn said that prices should not double because she has an apartment since she still has less people in the home and less vehicles than many of her neighbors.

Linn said that if you look what other cities are charging for basement apartments, Millville is on the high end. She said that out of the seven cities that she looked at on the south side of Cache Valley, Millville and Wellsville are the highest.

Councilmember Zollinger asked what Linn was looking for from the City Council. He pointed out that with the Accessory Dwelling Code the City is currently reviewing, this is one of the things that they would be looking at. He asked what Linn would recommend.

Linn said that she was asking for a reduction in the cost for an in-home apartment. She said again that Alpine City charges $50 per year and she thinks Millville would benefit from doing something similar now so that when we hit a population for which a low-incoming housing plan is required, we will already have something in place and can point to the number of in-home apartments throughout the City. Linn said that at the current rate and when sewer fees begin to be charged, she would be unable to continue to live in Millville.

Councilmember Wilker asked if Linn thought that she couldn't be competitive by passing along these fees to the renters of her apartment. She said that this wouldn't work since they could find cheaper apartments in Providence.

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Linn said that she would be happy to help Millville create code like what is being done in Alpine. She also said that a retirement home may be a good addition in Millville. Linn said that she would like to request an exception from the monthly utility fees for the apartment in her home.

Councilmember Zollinger pointed out the difficulties in comparing fees from city to city in that some have direct fees and others increase taxes to cover costs of some of their services.

Linn said that when she was considering building in Millville, these fees were not clear or did not exist. There are other Millville residents that have apartments that won't admit that they do because of the high fees.

Councilmember Zollinger said that they are looking at it as the number of families in the City. He said that he doesn't think it is fair to burden all the single-family homes so that rental properties can pay less.

Linn said that she doesn't think this is how Alpine City looked at this issue. By allowing less expensive apartments, they didn't have to provide low-income housing or high-density housing. So, when they reached the population in which low-income housing was required, they already had a plan in place.

Mayor Hair said that he has a duplex with a basement apartment. Originally the City didn't charge anything. Then they started changing 50% for the apartment. Now the Council has decided to charge the full base rate for the utilities. He said that he has a bit of a conflict in that he has a rental but will do whatever the Council decides.

Councilmember Grange said that this is a difficult issue. Linn currently only has few people in her home, including the apartment. But this may not always be the case for that home and that apartment. There are other apartments in the City in which there are big families that make a larger impact on the City. We can't base the rates on the number of people that live there.

Mayor Hair said that the City was currently working through this. They are currently looking at adding code that will deal with accessory dwelling units and short-term rentals.

The Council thanked Linn for coming in and providing the information. (A copy of the related staff report is included with the minutes as Attachment "D".)

Report on P & Z Meeting held September 15, 2022

Councilmember June reviewed with the Council what happened at the Planning Commission meeting held September 15, 2022.

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Consideration of a Resolution creating policy on water leak billing adjustments

Recorder Twedt reviewed with Council the proposed policy for dealing with water leak billing adjustment requests. It was discussed that it was good to be adopting a formal policy so that staff was consistent with how they deal with requests for billing adjustments. The Council said they thought the policy was lenient and was fair to the Millville City residents.

Councilmember Grange moved to approve Resolution 2022-20. Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the approved resolution is included with the minutes as Attachment "E".)

Consideration of a Resolution updating the parks use policy

Recorder Twedt reviewed with the Council the draft updates to the Parks Use Policy. He said that the main updates were the hours for the lit pickleball courts, added rules for reservations, hours for the splash pad and requirement for all sport teams to pay a use fee. He asked the Council if they had any edits or other changes they would like to make at this time.

Councilmember June suggested the hours for the lights on the pickleball courts be changed from 6 a.m. – 10:30 p.m. to 6 a.m. – 10:00 p.m. The rest of the Council said that they were okay with this change.

Recorder Twedt said that he thought the Council should consider increasing the rate for renting the North Park pavilion as it was getting a lot of use from people that are not from Millville and it is often not clean when they leave. Recorder Twedt said that it was a very affordable rental, so it is being used by a lot of different people. The Council discussed the costs in maintaining and cleaning the pavilion as well as the costs for arranging the rentals and collecting keys. It was determined that the following North Park pavilion rental rate changes should be made:

- Deposit change from $150 to $200.
- Rental fee for residents changed from $60 to $75.
- Rental fee for non-Millville residents changed from $100 to $150.

The Council also discussed the sports teams that use the field and that additional fees are needed to cover the costs of fertilizer and extra lawn care to deal with the impact from those teams. It was determined that the Council would not change the fee for recreational soccer, but that competitive soccer teams and all other sport teams should pay a fee of $50 per season per team for use of the fields in Millville and that nobody will be scheduled for use of the fields unless their fees have been paid.

Recorder Twedt updated the resolution with the changes discussed in the meeting.

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Councilmember June moved to approve Resolution 2022-19 with the proposed changes. Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the approved resolution is included with the minutes as Attachment "F".)

Consideration of approval of representatives for Solid Waste Contractor selection

Mayor Hair said that there have been some big discussions with the group of mayors regarding the search for a solid waste contractor to replace Logan City. Four companies have placed bids and the prices look pretty good.

Mayor Hair said that the next step is to approve an interlocal agreement to pick a smaller group of mayors that can act on behalf of all the cities. He said that there are just too many people involved right now and it is difficult to get things done. There needs to be an interlocal agreement so that a smaller group can continue to move things forward.

As part of the interlocal agreement, two mayors from the cities on the south side of Cache Valley would be selected. It has been determined that Mayor Miller from Hyrum and Mayor Jacobsen from Nibley will represent the southern cities.

As the Council had not yet seen the interlocal agreement, there were a lot of questions about what would be the role of The Cache Waste Consortium that would be created. Mayor Hair explained that the interlocal would create the board that would select the contractor. Councilmember Zollinger said that he felt they needed to review the interlocal in detail before they could approve it. He asked if Millville City would still be signing the contract with the solid waste contractor or if that would be done by the board that is supposed to be created through the interlocal agreement. Mayor Hair said that the primary role of the board was to find and select the contractor that the cities would be using to replace Logan for solid waste.

Councilmember Callahan motioned to approve the recommended mayor appointees from the southern cities for the solid waste selection committee. Councilmember June seconded. Councilmembers Callahan, June, Wilker and Grange voted yes and Councilmember Zollinger voted no. (A copy of the draft interlocal agreement that was briefly reviewed during the meeting in included in the minutes as Attachment "G".)

City Reports

Director of Public Works Chad Kendrick reported that the new asphalt on the parking lot at the South Park is complete and looks good. He said that there were issues with the new Dodge truck, and it is back at the dealership getting some parts repaired that are under warranty. Director Kendrick also reported that in the next week or so they will begin shutting down the splash pad, wells and sprinklers in preparation for the winter.

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Councilmember Reports and Items for Future Agendas
(A copy of the Councilmember Assignments List is included with the minutes as Attachment "H".)

There were no reports from the Councilmembers. Mayor Hair said that one thing the Council should consider is the City may need to find a way to help pay to run services to the north part of the City until development takes place. If we can sell the unneeded capacity in the sewer line that goes through Nibley, they could use that money to help fund the needed infrastructure.

Adjournment
Councilmember Zollinger moved to adjourn the meeting. Councilmember Wilker seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. The meeting adjourned at 9:16 p.m.

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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
- [x] Home Business
- [ ] New Application
- [ ] 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: Courtney Funk Contact Ph: 435-754-9819

A. Business Name "DBA": Bam Bam Apparel

B. Business Location: 223 N 100 W Millville, UT 84326
Street Address (include unit #)

C. Mailing Address: Bam Bam Apparel PO Box 110 Millville, UT 84326 ☐ Same as "B. Business Location"
ATTN: Street (include unit#)/PO Box address City, State, Zip

D. Local Business Ph: 435-754-9819 Fax: _____ www: _____

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

COMMERCIAL

Building/plaza: _____

Is this a secondary use within an existing business location?

☐ Yes, in _____ ☐ No

Hours of Operation: _____

Type of Operation: (mark all that apply)

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

Previous use of location:

_____

HOME BUSINESS

Please Note:

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

On-site employees? ☐ Yes ☒ No

If yes,
Up to how many? _____ Working hours? _____
Where will they park? _____

On-site customers? ☐ Yes ☒ No

If yes,
Up to how many per day? _____
Up to how many per week? _____
Where will they park? _____

On-site business will be performed from a:
(mark all that apply)

- [ ] Home office
- [x] 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: 11/1/2022

This Business Includes:

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

SECTION III: Business Description — Specific ☐ (attach additional pages if necessary)

We will be selling tshirts & sweatshirts online & also at markets. We will be storing our merchandise at this address.

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: Courtney Funk Contact Ph. 435-754-9819

Home Address: 302 S 1540 E Hyrum, UT, 84319
Street (include unit #) / PO Box Address City, State, ZIP

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

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

Officers (2)

Officer Name: Caylee Funk Contact Ph. 435-754-9043

Home Address: 530 E 800 N Logan, UT, 84321
Street (include unit #) / PO Box Address City, State, ZIP

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

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

SECTION VI: Notification and Verification of Authority

1) Mandatory review process – this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:
(i) the information provided on the application, and
(ii) review of the Mayor and City Council

2) Additional Requirements – Under the Municipal Code, additional Business License application requirements are necessitated for some business types.

3) Denial of License – Application denial or subsequent license suspension or revocation are most often the result of:
(i) an inaccurate or incomplete application, or failure to update information with the City and/or
(ii) non- compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.

4) Other regulatory bodies – It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.

5) Signage – Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.

6) Building alterations – All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

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

Signature of Owner/Authorized Agent | Courtney Funk Printed Name | 10/12/2022 Date

SECTION VII: For administration use only

Classification: ☐ Conforming ☐ Non-Conforming ☐ Child Care ☐ Home Business ☐ Low Impact ☐ Medium Impact

Conditional Use: (If box is checked see conditions)

☐ Agree ☐ Do not agree Signature: _____ Date: _____

☐ Yes ☐ No City Council grants permission Signature: _____ Date: _____

FEES ☐ **$25.00** ☐ **EXEMPT** **PAYMENT TYPE** ☐ **RECEIPT**

HOME-BASED BUSINESS FEE EXEMPTION CERTIFICATION

Business Name Bam Bam Apparel

Owner Name Courtney + Cayce Funk

Business Address 223 N 100 W Millville, UT 84326

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

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

Signature

10/12/2022
Date

AGENDA REPORT: CODE ENFORCEMENT October 27, 2022

Background

City staff have now made several full passes over the City looking specifically for code violation related to parking in the City right-of-way. 51 Notices of Violation have been sent out and luckily only 3 have resulted in administrative citations.

Shawn & Jocelyn Casey were issued a notice of violation on September 9, 2022 for having a trailer and truck parked in the City right-of-way. As stated in that notice, they had until September 19th to request a hearing and September 26th to have the trailer moved so that they would not receive a citation.

On September 26th, staff drove past the home again and the trailer and truck were still parked illegally, so a citation with a $100 fee was issued.

After having received the citation, the Caseys sent in request for a hearing stating, *"This vehicle was moved on this day."* After the City received this letter from the Caseys, staff made another pass by the Casey home on October 9th and found that the truck and trailer were still in the same location. In addition, it has been in the same location for every subsequent day that staff has driven down that street.

Although Millville code requires that requests for hearing be sent within 10 days of having received the Notice of Violation, staff feels that if there is confusion in how and why citations are given, the City Council should be involved.

As a refresher, here is a high-level summary of how the Millville enforcement plan works from a City perspective when law enforcement is not involved:

- A code violation is identified, and a Notice of Violation is sent to the homeowner. If the homeowner disagrees that code has been violated, they have 10 days to request an Administrative Hearing.
- With the Notice of Violation, a homeowner has a timeframe in which to fix the issue. The minimum would be 10 days.
- The City will check back after the time frame has expired. If the issue has not been fixed, a Citation is given with a fee of $100 that must be paid within 15 days.
- The City will check back in 10 days. If the issue has still not been fixed, the homeowner will accrue an additional fee of $100 ($10/day). This continues until the issue is fixed.

Shawn & Jocelyn Casey – 306 N. 350 E.

Picture taken 9/8/22 at 2:18 p.m.



Picture taken 9/26/22 at 4:46 p.m.



Picture taken 10/9/22 at 7:37 a.m.



MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

October 6, 2022

PRESENT: Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Kara Everton, Pam June, Chad Kendrick, Tyler Gessell

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for October 6, 2022, at 8:00p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present with Commissioner Thompson & Lewis absent. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Dickey moved to approve the agenda for September 15, 2022.** Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Lewis absent.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the Planning Commission Meeting for September 15, 2022, **Commissioner Anderson moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Lewis absent.

Commission Lewis arrived.

5.A. Zoning Clearance- New Residence- Matthew & Rebecca Hedlius- 41 N 550 E. Millville

Commissioner Anderson noted that the 30 feet setback on map is shown to be based off the road and not property line. Needs to be off the property line.

The owner was not present at this time. Commissioner Farmer made a motion to move onto Agenda item 5.B while we wait for the owner to come. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

Property owner was now present. Commissioner Greenhalgh stated that the 30' setback needs to begin at the property line and not the road. The builder on this property is Jacob Evans. The home is 2 stories in height with a basement walkout. It does fall under the height requirements.

The paper was given to the homeowner for the setback requirements for the county. Homeowner paid the zoning clearance fee. Commissioner Greenhalgh explained that now the homeowner takes the zoning clearance and setback requirement form to take to the county and pay the permit fee. The homeowner is installing a dryline. The landscape refund will be given to the homeowner.

Commissioner Farmer moved to approve the Zoning Clearance for New Residence- Matthew & Rebecca Hedelius- 41 N 550 E., Millville. Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

Commissioner Lewis made a motion to move back to Agenda item 5.D for discussion for a conceptual plat for Covert Property. Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

5.B. Zoning Clearance- New Residence- Unique Custom Homes for Tyler Gessell- 384 N 100 E.
The home is facing 100 E and a single story. Setbacks are all being minimally met. Home builder will have someone come and mark it for him. Matthew Anderson said there are CC&Rs on the property and he'll get that to the builder/homeowner. Chad Kendrick mentioned that there is a substantial swell where the driveway will be. He suggested that there is still some work that needs to be done and to contact him. There's a culvert on the NWC that picked up a deep swell that goes down to the storm drain down the hill. Landscape refund to homeowner.

Commissioner Lewis moved to approve the Zoning Clearance for New Residence- Unique Custom Homes for Tyler Gessell- 384 N 100 E. Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

5.C. Park Extension Annexation
There will be a bridge connecting both parts of the park. Commissioner Ripplinger asked if any water shares were exchanged. Commissioner Lewis stated that because it's a gift and not a subdivision there wouldn't be any water shares to exchange. Further discussion transpired in regards to the process of annexation and timeline. Development Coordinator Everton stated that Recorder Twedt was handling the annexation and this was just for the Planning & Zoning recommending the annexation of the property to the City Council. There will be no sprinklers. The property will be left natural and an extension of the walking path with shade trees, and benches.

Commissioner Dickey moved to recommend the Park Extension Annexation to City Council. Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

Commissioner Farmer made a motion to move back to Agenda item 5.A for discussion. Commissioner Anderson seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie

Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

5.D. Pre-Conceptual- Covert Property

This is a very rough conceptual drawing that was emailed. A representative is not at the meeting. The commission had a few concerns/ comments. They weren't able to completely verify that all lots were in compliance due to the missing measurements. The frontage needs to be 108'. The minimum lot size needs to be 1/3 of an acre.

There is a water source (currently dry) on the property that needs to be addressed. From their understanding, there are owners of that spring/canal that have shares and use it. Due to us being in a drought, it is dry, but during wetter years, this is a used source of water. There are setbacks that need to be met depending on what classification of water this is- ex: a setback for a spring is 100', a setback for a canal is 15' on both sides. The commission suggested a feasibility study due to the high-water table in this area. It is not required but a suggestion.

Will the road be measured as a full road-the requirement being 66' right-of-way that ends in a cul-de-sac? The road would need to be dedicated to the city of Millville. Our director of public works, Chad Kendrick stated that grassy swells would work better on this property versus curb and gutter. Because of the number of properties suggested in this drawing this would be classified as a major (big) subdivision.

The commission also suggested looking into the ability to install septic tanks in an area that is so close to a water protection area. This may be something that will be better to wait until the sewer is installed.

There are challenges with this property. While there is septic required it will be more difficult due to the spring being so close. There are protection zones and shares in that spring that is being used and you can't use or contaminate. The spring would need to be well defined on there to know where it is.

5.E. Millville City Code Review- Chapter 17.46- Accessory Dwelling Units

The commission is under the impression that City Council would like them to review and suggest edits and then recommend to City Council. Within Accessory Dwelling Unit (ADUs) discussion there is an Internal ADUs and External ADUs. Commissioner Anderson likes the suggestion of changing "*mother-in-law apartments*" to Internal Accessory Dwelling Units and is in favor of a city code to define regulations. The commission is in agreement that there cannot be anything enforced if there is not a code to be able to enforce.

At this time **Commissioner Farmer made a motion to move to Agenda item 5.G- Other due to the discussion being a lengthy one. Commissioner Ripplinger seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

There was quite a bit of discussion and suggestions made. These were noted and submitted via email to an online document.

5.F. Millville Code- Chapter 17.50 Short-Term Rental Housing

Commissioner Ripplinger made a motion to postpone discussion for this Agenda item 5.F until the next meeting. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

5.G. Other

- Jared Campbell has a Hillside Overlay lot that has sent an application in to Franson Engineer for review. It's in their timeline currently, and Development Coordinator Everton suggested following up with the engineer before the deadline for the next meeting, which would be Friday October 14th. Director of Public Works Chad Kendrick suggested further review of the spring that is running through the property to recommend a geotechnical engineer to look at the spring to verify the design of the house/lot plan and to verify the ownership, as there are shares to the spring.
- Pam June followed up with the commission regarding the Defending Utah Presentation to get the commissioners opinion. The commission is okay to do it before a meeting on a Planning & Zoning or City Council meeting night.
- There is a property in Mond-Aire that was owned by Brian Jenson and is being bought by someone else. There is a utility easement on the property that goes down the hill to a storm drain and a manhole on the property. Chad Kendrick said there is an 8" live water line. It was suggested that he needs to go to the County Recorders office and get the official mylar that was turned in with the subdivision. There cannot be any permanent structures on the easement.
- Commissioner Ripplinger asked if the sidewalk plan is required where Matthew Anderson's duplex is being built. It is not on the master plan on the east side.

At this time, **Commissioner Ripplinger made a motion to return to Agenda item 5.E- Millville City Code Review- Chapter 17.46- Accessory Dwelling Units. Commissioner Lewis seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

6. City Council Report – review minutes from the September 15, 2022, meeting

7. Agenda Items for Next Meeting

A. Millville City Code Review- Chapter 17.50 Short-Term Rental Housing
B. Gary Stauffer Zone Change

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, October 20, 2022, at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 10:25 p.m.

MILLVILLE PLANNING COMMISSION MEETING
City Hall - 510 East 300 South - Millville, Utah
October 20, 2022

PRESENT: Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger, Matthew Anderson, Kara Everton, Pam June, Chad Kendrick, Michael Anderson, Corey Twedt, Rex & Annette Pehrson, Patrick & Brookelyn Pehrson, Michael Morgan, Gary Stauffer, Scott Stauffer, Ken Hamilton, Gary Gettman,

Call to Order/Roll Call:
Commissioner Greenhalgh opened the meeting for October 20, 2022, at 8:00p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance
Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda
The agenda for the Planning Commission Meeting was reviewed. **Commissioner Thompson moved to approve the agenda for September 15, 2022.** Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

Approval of the Minutes of the Previous Meeting
The Planning Commission reviewed the Planning Commission Meeting for October 6, 2022, suggestion **Commissioner Anderson moved to approve the minutes with the changes of putting the minutes in chronological order.** Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

5.A. Zoning Clearance- New Residence- Michael Anderson-303 N 350 E, Millville
This has a slight slope to the lot, but it is not a hillside overlay lot. On the plans it shows the sewer dry line coming towards 350 North. Mike said it would be better to come out the north end, but it can go either way. Recorder Twedt will find out exactly which direction it will need to come out and let him know.

Commissioner Lewis made a motion to approve the Zoning Clearance for Mike Anderson- 303 N 350 E. Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

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5.B. PUBLIC HEARING
Commissioner Thompson motioned to go into a public hearing.

PUBLIC HEARING: 8:05 p.m.
Commenced at 8:06 p.m.

PRESENT: Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger, Matthew Anderson, Kara Everton, Pam June, Chad Kendrick, Michael Anderson, Corey Twedt, Rex & Annette Pehrson, Patrick & Brookelyn Pehrson, Michael Morgan, Gary Stauffer, Scott Stauffer, Gary Gettman

Purpose of the Zoning Change for property owned by Gary C Stauffer located at 630 South 200 West. Providence/ 700 Main Street, Millville is to move the property from an Agriculture zone to a Residential 2 zone (R-2).

Public Comment:
Gary Gettman spoke in support of the rezone. He has an objection to the procedural manner. State Law does allow the cities to notify adjacent property owners of rezones. At the city level we do not require it, so it wasn't done. He would like to have Planning & Zoning recommend to the City Council to notify property owners of any rezones within 600 feet. He asked if the pre-conceptual been submitted? It has not been completed. Corey Twedt suggested that there are the state posting site that you can sign up for and it will send you an email whenever a new meeting is. For an annexation you do have to send out notices to landowners 600 feet surrounding the property to be rezoned. The website to sign up for the notices is pmn.utah.gov.

Commisioner Thompson moved to close the public hearing. Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

Further Discussion
Corey Twedt wanted to make sure that Gary Stauffer wanted to rezone to Residetial-2 with that being a minimum of one-half acre lots. Gary said that he was aware and their properties will be bigger than that.

Farmer recommends- zone change from AG to R-2 Residential. LL seconded

Commissioner Farmer moved to recommend the Zoning Change for by Gary C Stauffer located at 630 South 200 West. Providence/ 700 Main Street, Millville from Agriculture to Residential-3. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

Corey Twedt told Gary Stauffer that this will be on the agenda for the next City Council meeting on October 27, 2022 at 7 p.m.

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5.C. Zoning Clearance- Greenhouse- Bio Minerals Technologies, Inc 299 S 100 W., Millville

This property straddles the county and Millville city boundaries with the majority of it being in the city of Millville. The greenhouse will have footings and foundation. It will be a lightweight structure but will be secured to a foundation. Metal frame with solex cover (flexible transparent plastic). Total height will be 20'. There will only be electricity for lights to see in the dark, no fans, and a drip system with water coming from their well. The design is completely passive with no heating or cooling. Commissioner Ripplinger stated it feels too close to the parcel line, but as an accessory building it can be 5 feet away from the property line without a firewall.

Commissioner Thompson made a motion to approve the Zoning Clearance for a Greenhouse for Bio Minerals Technologies, inc. at 299 S. 100 W. Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

5.D. Pre-Conceptual- Covert Property- Dan

Dan has submitted a secondary drawing to get some more feedback from the commission. This design is more favorable than the one previously submitted. Feedback for this design would be to consider that the road needs to be widened. With the widening of the road there will need to be frontage dedicated. There were concerns raised about the final square footage for Lot 1. Dan would need to make sure that the minimum square footage will be met while dedicating approximately 15 feet of the frontage. The commission reiterated their concerns regarding the protected area and easement around the spring, and advised a study to be done on the spring. The commission cannot dedicate more time on this property until he submits a Pre-Conceptual with the intent to move on to a Preliminary and Final Plat. Because of the sub-division of the property, the fee would be $3000, unless Garr Springs Water shares are available.

5.E. Final Plat- Pehrson Subdivision

There weren't any concerns with this subdivide. The property owners do not have Garr Spring Water shares. The fee in lieu of water shares is $1500 for this subdivision. The Final Plat fee is $280.

Commissioner Thompson made a motion to recommend the Final Plat for the Pehrson Subdivision to the City Council. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor.

Corey Twedt told the Pehrson's that this will be on the agenda for the next City Council meeting on October 27, 2022 at 7 p.m.

5.F. Millville Code- Chapter 17.50 Short-Term Rental Housing

Commissioner Lewis began the discussion sharing his concerns for the regulations for Short-Term Rental Housing (STRH) when there are no such regulations in place for Long-Term Rental Housing (LTRH). Currently, he has a few rentals throughout the county, with a rental house being in Millville. AirBNB manages his rental house in Millville and they take care of a number of fees that the suggested code is asking for. He feels this is an unnecessary request for the city to make. He feels that STRH and LTRH should be regulated the same. Background was given about the reasons why the City Council is reviewing code at this time. A Millville citizen brought up his concern about the number or people coming & going

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from a neighboring home that is listed as a short-term rental house without any background checks. It was noted that companies like AirBNB and VRBO do not conduct background checks, neither do they happen when a new family moves into the area. Ultimately, Commissioner Lewis stated that he doesn't mind there being a process to track the rentals but feels like a lot of what is being suggested is unnecessary and intrusive.
Commissioner Greenhalgh stated that he understood the City Council didn't want to regulate rental properties, however, he sees the necessity of having something in place to safeguard the city.
A discussion ensued regarding ERU's which is how the city is determining how much in utilities to be charged when a part of a home is being rented out for a short-term rental or long-term rental. Mayor Hair said that this is a topic of discussion amongst the City Council over the past few months and they don't t have all the details defined yet.
The commission began reviewing the code that was presented and went through to make a minimally regulated code for STRH while still being able to keep track of what is going on in the city. Some important items that were discussed are as follows: STRH needs to be owned by a Millville resident, a business license is required, proximity is more important than capita, and parking needs to be understood. The commissioners shared their concerns about not wanting to limit Millville citizens with so many rules and regulations and understood that there is a tipping point where citizens feel they need to hide their rentals because of the excessive regulations, and would rather the residents have a simplified system in place that is beneficial for the city.

The suggestions were noted and updated on a Google Doc that will be submitted to City Council for review.

5.G. Other

- Councilmember Pam June reminded the Commision about the Defending Utah meeting that will be held October 27 at 6:00 p.m.

6. City Council Report – No Report

7. Agenda Items for Next Meeting

Defending Utah will be October 24, at 6:00 pm.

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, November 3, 2022, at 8:00 pm. Kara will not be present, and Treasurer Tara Hobbs will record the session, but if any of the commissioners wanted to record the meeting on their phone and send it to me they could. Commissioner Dickey will not be there.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:42 p.m.

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AGENDA REPORT: STAUFFER REZONE REQUEST October 27, 2022

Background

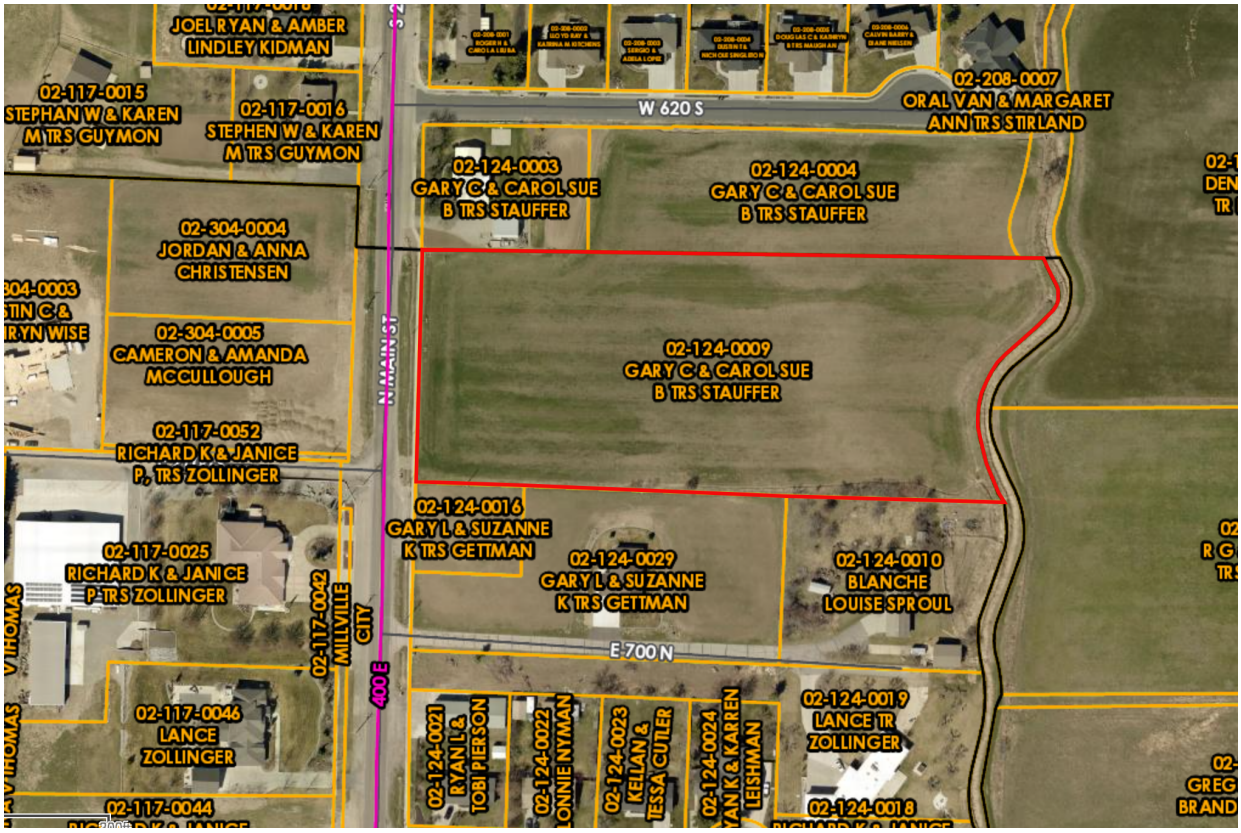
Gary Stauffer annexed property into Millville in 2020. As required by City Code, all property annexed into Millville comes in zoned as Agricultural.

On September 29, 2022, Gary Stauffer submitted a petition for a zone change for parcel 02-124-0009 from Agricultural to Residential (R2). This parcel is approximately 4.64 acres. As a reminder, the minimum lot sizes allowed for R2 are half acre.

The Millville Planning Commission has reviewed the request and held a public hearing to receive input from the public. The Planning Commission has recommended the City Council accept the zone change request.

Included Documents

- Resolution 2022-21
- Stauffer Zone Change Petition



MILLVILLE CITY
RESOLUTION 2022-21

APPROVING THE GARY STAUFFER REZONE OF PARCEL 02-124-0009 FROM AGRICULTURAL (A) TO RESIDENTIAL (R2)

WHEREAS, a petition to rezone property for parcel 02-124-0009 was received from Gary Stauffer on September 29, 2022; and

WHEREAS, the Planning Commission has reviewed the rezone request and held a public hearing on October 20, 2022 to receive public input on the request; and

WHEREAS, the Planning Commission recommended to the City Council the approval to change the zoning as requested for said parcel;

THEREFORE, BE IT RESOLVED that Millville City approves the rezone of Parcel 02-124-0009 from Agricultural (A) to Residential (R2).

Approved and passed by the Millville City Council this 27th day of October 2022.

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				

September 29, 2022

Gary C. Stauffer
630 South 200 West
Providence, UT 84332

To: Millville City,

I own 4.64 ac. of property in Milliville City, located at 7th North and Main, adjacent to the Gary Gettman property. (Property Parcel #02-124-0009). This property was annexed at the same time and along with the Mike Zollinger property to the west of main street.

I would like to request now, that this property be rezoned from agriculture to R-2 residential. Your consideration to honor my request is appreciated. I have enclosed the $350.00 fee for this request.

Thank you.

Gary Stauffer

Phone # 435-770-2297
Email: rzr. gcs@ gmail.com

02-124-0004
02-124-0007
STAUFFER PROPERTY
02-124-0010
SPROUL PROPERTY
02-124-0003
02-124-0009
GARY GETTMAN PROPERTY
02-124-0016
RICHARD ZOLLINGER PROPERTY
02-117-0016
MIKE ZOLLINGER SUBDIVISION

MILLVILLE CITY
RESOLUTION 2022-22

RESOLUTION TO ESTABLISH THE PEHRSON SUBDIVISION LOCATED AT APPROXIMATELY 300 NORTH 100 EAST

WHEREAS, a request to subdivide parcel 02-130-0008 into two parcels has been received; and

WHEREAS, the Planning Commission reviewed the request on October 20, 2022 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 October 27, 2022;

THEREFORE, BE IT RESOLVED that the City Council hereby accepts the Pehrson 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 27th day of October 2022.

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				

Pehrson Subdivision

Millville City, Cache County, Utah
A Part of the Southeast Quarter of Section 15,
Township 11 North, Range 1 East, Salt Lake Base & Meridian
August 2022

VICINITY MAP



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 righr-of-way department at 800-366-8532

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

By:_____ Title:_____

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

NOTES & RESTRICTIONS:

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

2- No Structures may be built within any public utility easement, except as approved by the City Engineer

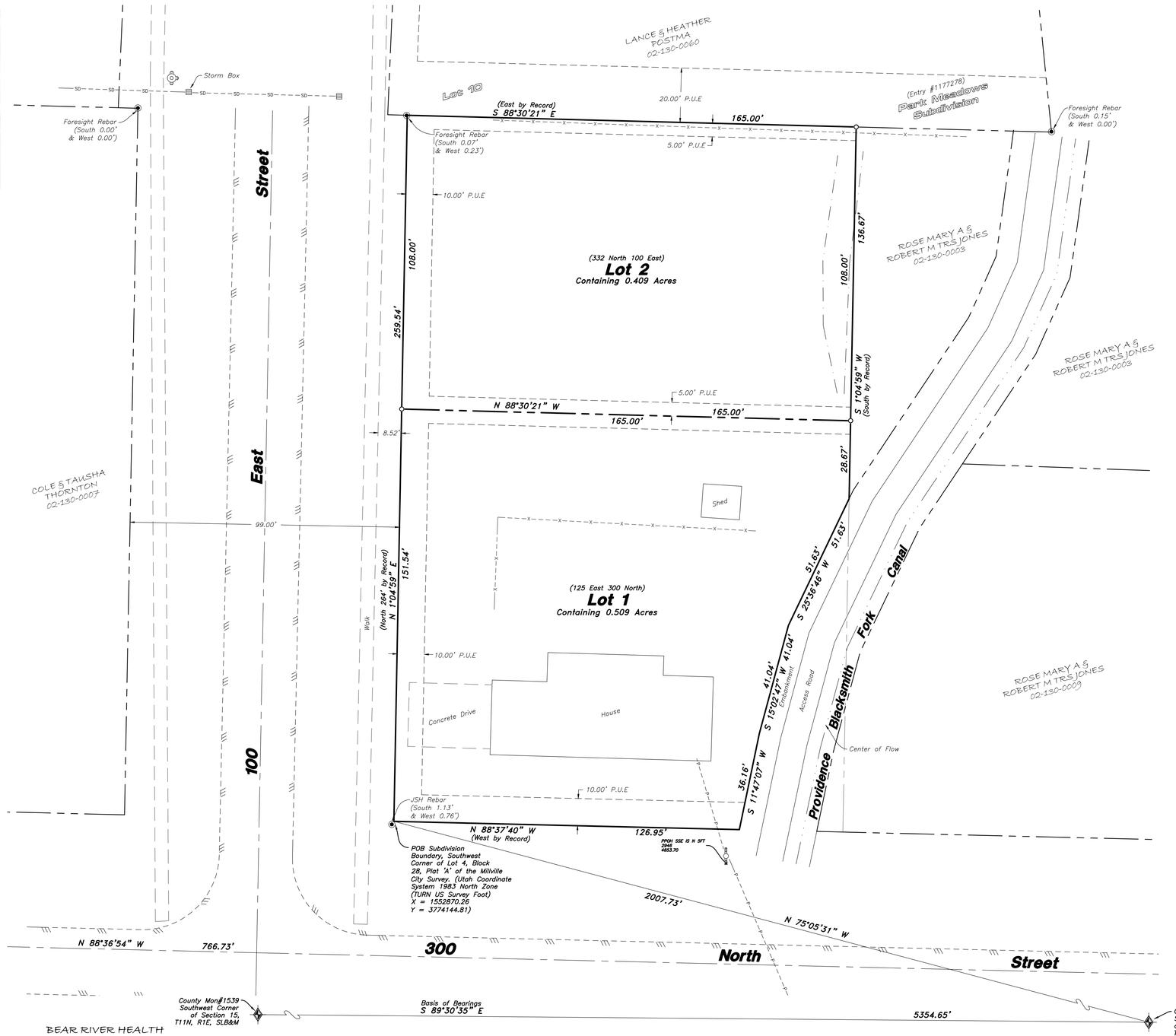
3-All expenses involving the necessary improvements for sanitary sewer systems, gas service, electrical service, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signing, and other improvements shall be financed by subdivider.

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

5-The subdivision's parcel number is 02-130-0008

NARRATIVE

The purpose of this survey was to create a building lot as shown and described hereon. The survey was ordered by Patrick Pehrson. The control used to establish the property corners was the existing Cache County and Millville City survey Monumentation around the Southeast Quarter of Section 15, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the South line of said Section 15, which bears South 89°30'35" East, Utah Coordinate System 1983 North Zone.



CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned, Rex A. Pehrson and Annette Pehrson, 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 Pehrson Subdivision, is located in the Southeast Quarter of Section 15, Township 11 North, Range 1 East, Salt Lake Base and Meridian, Millville City, Cache County, Utah and is more particularly described as follows:

A Part of the Southeast Quarter of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, Also a Part of Lot 4 of Block 28, Plat 'A' of the Millville Town Survey

Beginning at the Southwest Corner of said Lot 4 and RUNNING THENCE Along the Perimeter of said Lot 4 the Following Three (3) Courses: (1) North 01°04'59" East 259.54 Feet (North 264.00 Feet by Record) to the South Line of Park Meadows Subdivision, Entry Number 1177278; (2) South 88°30'21" East (East by Record) 165.00 Feet Along said South Subdivision Line; (3) South 01°04'59" West (South by Record) 136.67 Feet to the Northwesterly Embankment of the Providence Blacksmith Fork Canal; Thence Along said Embankment the Following Three (3) Courses: (1) South 25°36'46" West 51.63 Feet; (2) South 15°02'47" West 41.04 Feet; (3) South 11°47'07" West 36.16 Feet to the Intersection with the South Line of said Lot 4; Thence North 88°37'40" West (West by Record) 126.95 Feet Along said South Line to the Point of Beginning. Containing 0.918 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 indicted and not otherwise dedicated for public use.

Executed this_____day of_____, 20__,

_____ _____
Rex A. Pehrson Annette Pehrson

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 20__, Rex A. Pehrson and Annette Pehrson, husband and wife as join tenants, personally appeared before me, the undersigned Notary Public in and for said State and County, the signers of the attached Owners Dedication, whom duly acknowledged to me she signed it freely and voluntarily and for the purpose therein mentioned.

_____
Notary Public Signature

_____
Commission Number - Expires

_____
Notary Public Commissioned in Utah
(Print Name)

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 Pehrson 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 (10,000).

Date: 8/16/22

Clinton G. Hansen

No. 7881387

REGISTERED LAND SURVEYOR 7881387 Clinton G. Hansen 8/16/22 STATE OF UTAH

NORTH

Scale: 1" = 20'
0 20' 40'
Scale in Feet

LEGEND

- Primary Boundary Line
- Lot Line
- Other property Line
- Existing Overhead Power
- Existing Asphalt Paving
- Public Utility Easement
- Municipal Utility Easement
- Fence Line
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap (ADVANCED 7881387)

ADVANCED LAND SURVEYING INC
1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5883
www.advancedlsi.com

22-239 CGH 8/16/22 Rev.0 Page 1 of 1

BEAR RIVER HEALTH DEPARTMENT APPROVAL

Bear River Health has reviewed this plat and has determined that septic permits can be applied for on the subdivided Parcels.

_____ _____
Bear River Health Department Date

CERTIFICATE OF REVIEW

Data on this plat reviewed this_____day of _____,20____, by the City Engineer of Millville, Utah

_____
City Engineer

PLANNING AND ZONING APPROVAL

This plat approved by the City of Millville Planning and Zoning Commission this____ day of_____, 20___

Attest:

_____ _____
Chairman Secretary

CITY COUNCIL ACCEPTANCE AND APPROVAL

Approved by the City Council of the City of Millville, Utah, this_____day of_____, 20__

Attest:

_____ _____
Mayor City Recorder

UTILITY CLEARANCE

The Following Utility Company's Have Agreed to Provide Their Services Within the Right-of-Ways Shown Hereon.

Century Link_____ Date _____

Xfinity_____ Date _____

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

INTERLOCAL AGREEMENT BETWEEN CACHE COUNTY AND THE MUNICIPALTIES OF CACHE COUNTY FOR CREATION OF AN ENTITY FOR COUNTY AND MUNICIPAL SOLID WASTE DISPOSAL

THIS INTERLOCAL AGREEMENT (the "Interlocal Agreement") is made and entered into this ____ day of _____, 2022, by and between the undersigned Public Entities as set forth on the signature pages attached hereto for the creation, management, and administration of **The Cache Waste Consortium** (the "Consortium").

WITNESSETH:

WHEREAS, CACHE COUNTY is a political subdivision and County of the State of Utah, acting by and through its County Council, the governing body thereof (the "County"), and is vested with authority under the Solid Waste Management Act, at Utah Code section 19-6-503, to supervise and regulate the collection, transportation, and disposition of solid waste generated within its jurisdiction, and to provide a solid waste management facility to adequately handle solid waste generated or existing within or without its jurisdiction; and

WHEREAS, the several Municipalities of Cache County (the "Municipalities"), acting by and through their respective Town or City Councils are likewise vested with authority under the Solid Waste Management Act, at Utah Code section 19-6-503, to supervise and regulate the collection, transportation, and disposition of solid waste generated within their respective jurisdictions, and to provide a solid waste management facility to adequately handle solid waste generated or existing within or without their respective jurisdictions; and

WHEREAS, the purpose of Utah's Interlocal Cooperation Act is "to permit local governments to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and under forms of government organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities" and "to provide the benefit of economy

of scale . . . for the overall promotion of the general welfare of the state," Utah Code Section 11-13-102; and

WHEREAS, the Interlocal Cooperation Act therefore expressly permits "[a]ny power, privilege, or authority exercised or capable of exercise by a [local government to] be exercised and enjoyed jointly with any other [local government] having the same power, privilege, or authority," Utah Code Section 11-13-201; and

WHEREAS, the County and the Municipalities (the "Parties" and each individually as a "Party") have previously entered into interlocal agreements for the management of municipal solid waste from time to time; and

WHEREAS, the County and the Municipalities desire to continue to cooperate with each other in the management of municipal solid waste by creating an interlocal entity, The Cache Waste Consortium; and,

WHEREAS, the Parties wish to establish this Interlocal Agreement for the creation, management, and administration of the Constortium for the purpose of collecting fees, contracting with solid waste collection service providers, and setting policies and regulations for the same;

NOW, THEREFORE, in consideration of the foregoing, the Parties, intending to be legally bound and having authority under the Interlocal Cooperation Act, hereby agree that it is to their mutual advantage to adopt this Interlocal Agreement for the purposes of creating, managing, and administering the Cache Waste Consortium.

NOW THEREFORE THE SIGNATORY PARTIES OF THIS AGREEMENT AGREE AS FOLLOWS:

1) PURPOSE

The purpose and intent of this Interlocal Agreement is to facilitate the creation and establishment of an interlocal entity for the purpose of solid waste collection and processing within the specified area.

2) CREATION OF ENTITY

The interlocal entity "The Cache Waste Consortium" is hereby legally created and will be duly registered with the appropriate authorities by the Parties as soon as reasonably practicable.

3) GEOGRAPHICAL AREA INCLUDED IN THE DISTRICT

The geographic area to be included in the Group created by this Interlocal Agreement is the unincorporated area of Cache County and the areas contained in the Municipalities that are party to this Interlocal Agreement (the "Service Area").

4) TERM OF AGREEMENT

The Consortium is hereby authorized to begin to exercise its powers under this agreement and provide services at the time this agreement is executed by Cache County and all of the Municipalities except Logan City, the Town of Cornish, Lewiston City, Richmond City, and Smithfield City. This Interlocal Agreement will terminate on December 31, 2030. This Interlocal Agreement will automatically renew, with no action required from the Parties, for an additional five-year term at each expiration date.

5) GOVERNING STRUCTURE

Composition

The business and affairs of the Group will be governed by the Governing Board of the Consortium (the "Board"). The Board will be composed of the following 9 members: 2 mayors from among the mayors of Providence, Millville, Nibley, Hyrum, and Paradise; 2 mayors from among the mayors of River Heights, North Logan, Hyde Park, and Amalga; 2 mayors from among the mayors of Wellsville, Mendon, Newton, Clarkston, Trenton, and Cornish (if Cornish joins this Interlocal Agreement); 2 members of the Cache County Council, with one such member being one who represents a district north of Logan City and one such member being one who represents a district south of Logan City; and the Cache County Executive. Board members who are mayors will be appointed by majority vote of the County Executive and all the mayors whose municipalities are Parties to this Interlocal Agreement. Board members who are members of the Cache County Council will be appointed by majority vote of the Cache County Council.

Board Member Terms

The initial Board members will begin their service when they are appointed as set forth in the "Composition" paragraph of this Section 5 of the Interlocal Agreement. Regardless of when the initial Board members are appointed, the length of the initial Board members' terms will be measured from January 1, 2023. In order for there to be staggered terms among Board members, at its first meeting the Board will determine by lot and in accordance with the following which initial Board members will serve a 1-year term and which initial Board members will serve a 2-year term: 1 of the 2 mayors initially appointed to the Board from among the mayors of Providence, Millville, Nibley, Hyrum, and Paradise will serve a 1-year term and the other will serve a 2-year term; 1 of the 2 mayors initially appointed to the Board from among the mayors of River Heights, North Logan, Hyde Park, and Amalga will serve a 1-year term and the other will serve a 2-year term; 1 of the 2 mayors initially appointed to the Board from among the mayors of Wellsville, Mendon, Newton, Clarkston, Trenton, and Cornish will serve a 1-year term and the other will serve a 2-year term; and 1 of the 2 members of the Cache County Council initially appointed to the Board will serve a 1-year term and the other will serve a 2-year term. The Cache County Executive will serve an initial 2-year term.

A person may serve on the Board for an unlimited number of terms. After the 1- or 2-year term of the initial Board members, anyone appointed to the Board will serve a 2-year term. Upon the expiration of a Board member's term, a replacement Board member will be appointed in the manner described in the "Composition" paragraph of this Section 5 of the Interlocal Agreement. If a Board member leaves elected office as mayor, county executive, or county council member prior to the expiration of his or her term on the Board, the person selected to replace the Board member as mayor, county executive, or county council member will fill the remainder of that Board member's term on the Board.

Officers

The Board's officers shall consist of a chair and vice chair. At the Board's first meeting of each calendar year, the members of the Board will nominate members to serve as chair and vice chair. Thereafter, by majority vote, the members of the Board will select from among those nominated a chair and vice chair for that year. The chair

of the Board will conduct meetings and sign all documents authorized by the Board. If the chair is unavailable, the vice chair of the Board may conduct meetings and sign documents authorized by the Board. Clerk duties for the Board will be provided by an executive assistant appointed by the Board.

Quorum and Voting

A quorum of the Board will consist of not less than one half of the total members of the Board. Board members participating in a Board meeting electronically will count toward a quorum and deemed present at the meeting. If less than a majority of the members is present at a meeting of the Board, a majority of members present must adjourn the meeting until a quorum is present. Action of the Board requires a vote by a majority of Board members, not merely the vote of a majority of a quorum. No Board member may vote or otherwise act by proxy at any meeting of the Board.

Meetings

The Board will hold meetings as necessary but must hold no fewer than two meetings per year. Board meetings will be open to the public to the extent required by Utah law governing open and public meetings.

Parliamentary Procedure

The current edition of Robert's Rules of Order will govern proceedings of the Board, subject to exceptions or special rules adopted by the Board.

6) POWERS OF THE CONSORTIUM

The Consortium is empowered to exercise, through its Board, the powers delegated to it by the Parties. Subject to Section 21 below, and with the terms in this Section 6 having the meanings given to them in Utah's Solid Waste Management Act, the Parties agree and delegate to the Consortium the authority to do the following:

(1) Supervise and regulate the collection, transportation, and disposition of solid waste generated within the jurisdiction of each Party;

(2) Provide a solid waste management facility to adequately handle solid waste generated or existing within or without the jurisdiction of each Party;

(3) Assume, by agreement, responsibility for the collection and disposition of solid waste whether generated within or without its jurisdiction;

(4) Enter into a short- or long-term agreement to provide for or operate a solid waste management facility with another public entity; a public agency, as defined in Utah Code section 11-13-103; a private person; or a combination of public entities, public agencies, and private persons;

(5) Levy and collect a fee or charge or require a license as may be appropriate to discharge its responsibility for the acquisition, construction, operation, maintenance, and/or improvement of a solid waste management facility, including licensing a private collector operating within its jurisdiction;

(6) Require that solid waste generated within its jurisdiction be delivered to a solid waste management facility;

(7) Control the right to collect, transport, and dispose of solid waste generated within its jurisdiction;

(8) Agree that, according to Utah Code section 19-6-505, the exclusive right to collect, transport, and dispose of solid waste within its jurisdiction may be assumed by:

   a. another public entity;

   b. a private person; or

   c. a combination of persons;

(9) Accept and disburse funds derived from a federal or state grant, a private source, or money that may be appropriated by the Legislature for the acquisition, construction, ownership, operation, maintenance, and improvement of a solid waste management facility;

(10) Contract for the lease or purchase of land, a facility, or a vehicle for the operation of a solid waste management facility;

(11) Establish one or more policies for the operation of a solid waste management facility, including:

   a. hours of operation;

   b. character and kind of wastes accepted at a disposal site;

   c. any other policy necessary for the safety of the operating personnel;

(12) Sell or contract for the sale, according to a short or long-term agreement, of usable material, energy, fuel, or heat separated, extracted, recycled, or

recovered from solid waste in a solid waste management facility, on terms in its best interest;

(13) Pledge, assign, or otherwise convey as security for the payment of bonds, revenues and receipts derived from the sale or contract or from the operation and ownership of a solid waste management facility or an interest in it;

(14) Issue a bond according to Title 11, Chapter 14, Local Government Bonding Act;

(15) Issue industrial development revenue bonds according to Title 11, Chapter 17, Utah Industrial Facilities and Development Act, to pay the costs of financing a project consisting of a solid waste management facility on behalf of an entity that constitutes the users of a solid waste management facility project within the meaning of Section 11-17-2;

(16) Agree to construct and operate or to provide for the construction and operation of a solid waste management facility project, which project manages the solid waste of a public entity or private person, according to one or more contracts and other arrangements provided for in a proceeding according to which a bond is issued; and

(17) Issue a bond to pay the cost of establishing reserves to pay principal and interest on the bonds as provided for in the proceedings according to which the bonds are issued.

7) REGULATIONS AND POLICIES

The Board is empowered to create such regulations and policies as are necessary in the discharge of its purpose, operations, powers, and authority as set forth above. Policies and regulations shall be adopted or repealed as necessary during the regular meetings of the Board. Such regulations and policies duly adopted will be binding on Consortium activities, the provision of waste collection services, and relations with contractors, employees, and the public.

8) BUDGETS

The fiscal period for the Consortium will be an annual period beginning on January 1 of each year and ending December 31 of the same calendar year. The Board must review, approve, and adopt the Consortium's annual budget for the upcoming year

no later than December 31 of each year. During the budget year, the Board may amend the budget in any regular meeting or in any special meeting called for that purpose.

9) NOTICE

Any notices or other documents permitted or required to be delivered to the Parties pursuant to this Interlocal Agreement must be delivered to the County at the office of the County Executive and to the other Parties at the offices of their respective City or Town Mayors.

10) TERMINATION

If the Consortium contracts with another entity (a "Third Party Provider") to provide solid waste collection, transportation, and/or disposition services within the Service Area, no Party may terminate its obligations under or participation in this Interlocal Agreement prior to the expiration or renewal of the contract with the Third Party Provider. If a Party intends to terminate its obligations under and participation in this Interlocal Agreement at the expiration or renewal of a contract with a Third Party Provider, the Party must deliver written notice to the other Parties at least 12 months prior to the expiration or renewal of the contract with the Third Party Provider. If there is no active contract with a Third Party Provider, any Party may terminate its obligations under and participation in this Interlocal Agreement, with or without cause, by delivering written notice of termination to the other Parties at least 180 days prior to the termination date. Termination by one party will not affect the validity of this Interlocal Agreement as to the remaining parties. If a Party that withdraws from this Interlocal Agreement has a representative serving on the Board at the time of withdrawal, that representative will be deemed to have resigned from the Board at the time of withdrawal, and a new Board member from another Party will be appointed to fill out the remainder of the resigned Board member's term.

11) SEVERABILITY

If any provision of this Interlocal Agreement is held invalid, the remainder of the agreement will not be affected thereby and all other parts of this agreement will nevertheless be in full force and effect.

12) PRIOR AGREEMENTS

This Interlocal Agreement is the entire agreement between the parties. It supersedes all previous oral and written presentations, understandings, and agreements between the Parties respecting the subject matter of this Interlocal Agreement.

13) ASSIGNMENT

No assignment, delegation, transfer, or novation of this Interlocal Agreement or part thereof may be made unless unanimously approved by the Parties.

14) AMENDMENT

This Interlocal Agreement may be amended only by a writing duly executed by all of the Parties under the procedure outlined in Section 23 of this Interlocal Agreement.

15) CONSTRUCTION

This Interlocal Agreement will be governed by and construed in accordance with the laws of the State of Utah.

16) BOOKS AND RECORDS

The Parties shall have reasonable access to the books, records, and accounts of the Consortium, for the purpose of fulfilling any of their obligations under this Agreement. A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to Utah Code section 11-13-209.

17) FILING

This Interlocal Agreement and any subsequent amendments hereto will be filed by Cache County with the Cache County Clerk and by the other Parties with their respective City or Town Clerks.

18) INDEMNIFICATION

Each Party agrees to indemnify and hold the other Parties harmless from and against any and all claims, demands, losses, causes of action, damages, lawsuits, and judgments, including attorney's fees and costs, to the extent that such are caused by or arise out of or relate to its own work, errors, omissions, and/or operations. The Parties agree that by execution of this Interlocal Agreement none of them will be deemed to have waived their statutory defenses of sovereign immunity nor increased their limits of liability as provided for under Utah law.

19) RESERVATION OF RIGHTS

Nothing in this Interlocal Agreement will be deemed or interpreted to prohibit, preclude, or otherwise pre-empt the Parties' rights or abilities to take any lawfully available actions to provide funding or other support for the Consortium.

20) DEFAULT

If a Party breaches the terms of this Agreement, the Board may provide written notice of the default, in accordance with the Notice requirements described above. If the breaching Party does not cure the default within 30 days from the date the notice is sent, the Consortium may terminate this Agreement as to the breaching Party and recover all costs and damages resulting from the breach of this Agreement. Any outstanding funds owed to the breaching Party may be used to offset the damages and costs incurred by the Consortium. The right to offset is not intended to limit the Consortium's right to any other remedy available in law or equity.

Failure of the Consortium to exercise its rights in the event of any breach by a Party will not constitute a waiver of such rights. Nothing in this Interlocal Agreement may be construed to create a cause of action for consequential damages for delay.

21) DEBT AND PROPERTY OWNERSHIP

Until January 1, 2028, the Consortium is not authorized to acquire real or personal property or to incur debt, except that the Board may authorize the purchase of a reasonable amount of office supplies and related items as may be necessary to conduct the day-to-day business of the Consortium. After December 31, 2027, the Consortium is authorized incur debt and to acquire real and personal property in its own name pursuant to Section 6 above. The Consortium's acquisition of property is not a joint acquisition of property by the Parties to this Interlocal Agreement. No real or personal property will be acquired jointly by the Parties because of this Interlocal Agreement.

22) APPROVAL

Each respective Party's participation in this Interlocal Agreement is conditioned upon the approval and execution of this agreement by the Party pursuant to and in accordance with the provisions of the Interlocal Cooperation Act, including the adoption of resolutions of approval, but only if such resolutions of the legislative bodies of the Parties are required by the Interlocal Cooperation Act. In accordance with Utah Code

section 11-13-202.5(3), this Interlocal Agreement must be submitted to the attorney authorized to represent each respective Party for review as to proper form and compliance with applicable law before this Interlocal Agreement may take effect.

IN WITNESS WHEREOF, each party has executed this agreement on the respective signature page of that Party as of the date specified in the signature block.

CITY OF MILLVILLE

Mayor, David Hair Date

Attest:

Clerk Date

Approved as to form and as compatible with State Law:

Legal Counsel Date

AGENDA REPORT: PARK EXTENSION ANNEXATION **October 27, 2022**

Background

Nancy and Gary Griffin have very kindly donated 1.74 acres of their property to Millville City for an extension to the South Park.

Millville City has completed the survey, appraisal, property transfer agreement and found some funding for the development of this new park extension. As has been discussed previously, the City is planning to install a foot bridge, plant trees and make a walkway and picnic area in this new park space.

As this property is currently in the County and part of the larger Griffin parcel, we now need to work with the County to adjust boundaries and annex the property into Millville. Although it is strange for the City to both submit and provide receipt of having received a petition of annexation, from the best we can determine, we still must follow the same process as if this were being submitted by a separate property owner.

On September 29, 2022, the City Recorder both submitted (and received) the petition for annexation. On October 6, 2022, the Planning Commission reviewed the annexation and recommended approval by the Millville City Council.

A resolution has been prepared for this new annexation. If the resolution is adopted, it would approve the annexation petition and move things forward. This is not acceptance of the actual annexation, but just a go ahead to begin the formal annexation process. After this, a petition of annexation is issued by the City Recorder, the process begins with the County and notice is sent out to affected entities and a protest period begins.

After the protest period, the City Council has the opportunity to deny the annexation petition or to allow it to continue to the next step. If the petition is not denied by the City Council, the County Boundary Commission will hold a public hearing and they will issue a decision to the City Council. After that, the City Council will hold a public hearing and then potentially adopt the annexation by ordinance.

Included Documents

- Resolution 2022-23 – Park Extension Annexation
- Annexation Petition including map of area to be annexed

MILLVILLE CITY
RESOLUTION 2022-23

RESOLUTION ACCEPTING THE PARK EXTENSION PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED.

WHEREAS, on September 9, 2022, the owners of certain real property (petitioners) filed a petition with the City Recorder of Millville City, Cache County, State of Utah, requesting that such property be annexed to the corporate boundaries of Millville City; and

WHEREAS, said petition contains the signatures of the owners of private real property that is: 1) located within the area proposed for annexation; 2) covers a majority of the private land area within the area proposed for annexation; and 3) is equal in value to at least one-third of the value of all the private real property within the area proposed for annexation; and

WHEREAS, the petitioners certify that said property proposed for annexation lies contiguous to the present boundaries of Millville City and does not live within the boundaries of any other incorporated municipality; and

WHEREAS, the petitioners have caused an accurate plat of real property proposed for annexation to be prepared by a licensed surveyor and have filed said plat with the city recorder; and

WHEREAS, said petition appears to comply with all of the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Millville City, Cache County, State of Utah, that the annexation petition, attached hereto as Exhibit "A", is hereby accepted for consideration under the provisions of Utah State annexation law and is hereby referred to the municipal attorney and city recorder for review pursuant to Section 10-2-405, Utah State Code Annotated, 1953, as amended.

BE IT FURTHER RESOLVED that this resolution shall become effective upon adoption.

ADOPTED AND PASSED by the City Council this 27th day of October, 2022.

BY:

_____
David Hair, Mayor

ATTEST:

_____
Corey Twedt, City Recorder

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

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF MILLVILLE CITY, CACHE COUNTY, STATE OF UTAH:

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Millville City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah code Annotated, 2015, as amended (UCA);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of Millville City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
    a. is located within the area proposed for annexation;
    b. covers a majority of the private land area within the area proposed for annexation; and
    c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;
    d. is described as follows:

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian. Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found Bolt at a fence corner; Thence South 00°49'00" West 18.673 feet to a point in the center of the Garr Spring Branch and is the point of beginning; and running Thence Northeasterly along said centerline the following eight courses, 1) North 77°29'22" East 9.887 feet; 2) Thence South 83°02'28" East 52.668 feet; 3) Thence North 59°05'24" East 20.884 feet; 4) Thence North 64°00'08" East 27.372 feet; 5) Thence North 59°45'57" East 27.339 feet; 6) Thence North 69°46'22" East 45.430 feet; 7) Thence North 71°30'58" East 40.692 feet; 8) Thence North 47°28'59" East 2.974 feet to fence; Thence following said fence the following two courses, 1) North 85°25'09" East 99.219 feet; 2) Thence North 87°52'03" East 30.695 feet to a point on the West line of Lot 1 of the Pehrson Place Subdivision-52.297 feet Northerly of the Southwest corner of said Lot 1; Thence South 00°01'06" West (South 00°14'58" West by record of said subdivision) 283.782 feet; Thence North 72°11'17" West 517.214 feet; Thence North 08°49'30" East 28.054 feet to the center of the Garr Spring Branch; Thence Easterly along said centerline the following five courses, 1) South 73°27'20" East 23.975 feet; 2) Thence North 81°33'51" East 35.793 feet; 3) Thence North

77°21'26" East 38.799 feet; 4) Thence North 65°34'52" East 36.434 feet; 5) Thence North 77°29'22" East 18.153 feet to the point of beginning.
Containing 75,790 Square Feet or 1.740 Acres.

4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated "contact sponsor", with the mailing address of each sponsor being indicated;
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 UCA or a petition under Section 10-2-125 UCA if;
    a. the request or petition was filed before the filing of the annexation petition; and
    b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;

7. That the petitioners have caused an accurate plat of the above described property to be made by a competent, licensed surveyor, which plat is filed herewith; and
8. That the petitioners understand the property, if annexed, will be zoned Agricultural.

WHEREFORE, the Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this 29th day of September, 2022.

Petitioner:	Address:
Contact Sponsor Corey Twedt - City Recorder	510 E. 300 S.
Phone Number 435-881-2669	Po Box 308
	Milville, UT 84326
David Hair	510 E. 300 S.
Sponsor David Hair, Millville Mayor	Po Box 308
	Millville, UT 84326
Sponsor	

27 22 ALUMINUM CAP
26 23
T. 11 N.
R. 1 E.
S.L.B.&M.
N 89°40'13" E 2636.08
26 23
ALUMINUM CAP

N 00°02'39" E 5340.07
(BASIS OF BEARING)

BRASS CAP 22 15
23 14
T. 11 N.
R. 1 E.
S.L.B.&M.

60 0 60 60 60
1 inch = 60 ft.

N

SURVEYOR'S CERTIFICATE

I, Jeff S. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 325023 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plat is a true and correct representation of said survey to the best of my knowledge and belief.

REGISTERED LAND SURVEYOR
NO. 325023
STATE OF UTAH
JEFF S. HANSEN

03-035-0039
GARY F & NANCY
E GRIFFIN TR

03-035-0005
ROPELATO PROPERTIES LC

03-037-0050
MIKE &
MELISSA
HUMPHREYS

03-037- 0008
HAROLD NORDICK

03-037-0014
GRAHAM C
HUNTER

03-037-0029
ROBERT
HUMPHREYS

03-037-0030
ROBERT
HUMPHREYS

03-037-0053
ROBERT &
DONNA
HUMPHREYS

03-037-0040
ANTHONY
LINTON

03-037- 0007
MICHAEL BALDWIN

CENTER OF CANAL
(N 19°37' E 311.52' BR)
N 17°42'00" E 82.438'
N 18°45'26" E 30.034'
N 20°11'18" E 161.670'
N 14°29'31" E 36.517'
±EAST BANK
S 14°28'19" W ±17.567'

S 82°20'44" E 28.488'
S 76°29'10" E 12.290'
N 88°52'10" E 41.209'
N 80°17'18" E 12.271'
N 46°38'59" E 9.652'
S 38°58'10" E 17.311'
S 00°39'21" W 5.385'
S 79°27'47" E 104.931'
S 60°57'08" E 87.420'
S 84°33'12" E 60.588'
S 82°00'55" E 93.981'
S 08°49'30" W 28.054'
S 73°27'20" E 23.975'
N 81°33'51" E 35.793'
N 77°21'26" E 38.799'
S 00°49'00" W 18.673'
N 65°34'52" E 36.434'
N 77°29'22" E 18.153'
S 77°29'22" W 9.887'
N 83°02'28" W 52.668'
S 59°05'24" W 20.884'
S 64°00'08" W 27.372'
S 59°45'57" W 27.339'
S 69°46'22" W 45.430'
S 47°28'59" W 2.974'
S 71°30'58" W 40.692'
N 87°52'03" E 30.695'
N 85°25'09" E 99.219'

P.O.B.
MILLVILLE CITY
NO OWNERSHIP "A"
&
NEW CITY PARCEL
&
HUMPHREYS NO
OWNERSHIP

P.O.B.
GRIFFIN REMAINDER
846.153' N
497.157' E
OF SOUTHWEST
CORNER SECTION 23

± CENTERLINE
OF THE GARR
SPRINGS BRANCH

03-037-0013
GARY GRIFFIN
352,836 S.F.
8.1000 ACRES

(N 63°51' W 7.174 Chains-473.22' BR)
N 64°10'47" W 604.534'

HOLDING 4" STEEL FENCE POST AS PROPERTY CORNER POINT DESCRIBED OF RECORD AS BEING 11.8 CHAINS (778.8') EAST & 4.35 CHAINS (287.1') NORTH OF THE SOUTHWEST CORNER OF SECTION 23 IS LOCATED 783.832' EAST & 289.517' NORTH

MILLVILLE CITY
NO OWNERSHIP
"A"
Containing
28,366 S.F.
0.651 ACRE

(N 89°49'53" W 495' BR)
N 89°55'30" W 480.897'

HUMPHREYS
NO OWNERSHIP
2489 S.F.
(140' MORE OR LESS BR) N 89°57'17" W (EAST BR)
145' MORE OR LESS
N 43°31'27" E 16.226'
S 72°27'46" E 13.218'
S 81°43'34" E 14.204'
S 81°46'05" E 8.660'
N 00°15'30" W 161.884'

N 00°04'10" W 32.218'
N 00°52'17" W 71.937'
N 00°35'57" E 176.626'
N 00°00'26" E 151.852'
N 02°41'09" E 170.014'
N 02°23'48" E 19.465'
N 06°05'41" W 29.706'
N 02°48'45" E 59.487'
N 00°09'45" E 160.530' JSH

ROCK PILLAR FENCE CORNERS
SET BAR & CAPS ±0.6' EAST
SOUTH ONE IS NEXT TO OLD
T-POST

fort/tree house

S 00°39'21" W 26.151' CITY
N 00°39'21" E 16.465' HUMPHREY

CURRENT EAST DEED LINE
-0030 & 0029
AT 500' EAST OF SECTION LINE
AND IS 1.25'+ EAST OF THE WEST
DEED LINE OF MILLVILLE CITY

CURRENT EAST DEED LINE
-0007, -0040, -0006 & -0053
AT 511.52' EAST OF SECTION LINE

HOLDING THE OLD ORIGINAL FENCE FOR THE ENTIRITY OF THIS EAST LINE AND AS WITNESSED BY THE OLDER ORIGINAL CEDAR POST. IT IS NOT STRAIGHT AND WANDERS A LITTLE WILL NEED AGREEMENTS WITH ALL ADJACENT OWNERS

P.O.B.
MILLVILLE CITY NO OWNERSHIP "A"
&
NEW CITY PARCEL
&
HUMPHREYS NO OWNERSHIP
846.153' N
497.157' E
OF SOUTHWEST CORNER SECTION 23

03-037-0031
MILLVILLE CITY
616,708 S.F.
14.158 ACRES

300 SOUTH
S 87°02'50" E 484.219'
(495' CALCULATED BR)

LEGEND

- FENCE POST
- T-BAR FENCE POST
- FENCE LINES
- CURRENT DEED PROPERTY LINES
- SURVEYED PARCELS PROPERTY LINES
- SURVEYED PARCELS PROPERTY LINES
- NON-SURVEYED PARCELS PROPERTY LINES
- APPROXIMATE PROPERTY LINES
- PROPERTY LINES ALONG CANAL
- MEASURED SECTION LINES
- ROUGHLY CALCULATED INTERIOR SECTION LINES
- T-POST FENCE LINE
- MILLVILLE CITY DEED PROPERTY LINES

- EXISTING PROPERTY CORNER (TYPE AS NOTED)
- TO BE SET: 5/8" REBAR WITH RLS 325023 CAP
- SECTION CORNER
- NORTH OR SOUTH 1/4 SECTION CORNER
- EAST OR WEST 1/4 SECTION CORNER
- BR BY RECORD
- M MEASURED
- B&C BAR AND CAP

03-037-0037
DEBRA & SCOTT COVERT

581.900'
S 00°49'00" W
457.900'

HOLDING BASE OF BENT
#5 BAR

493.882'
S 00°29'43" W

JSH

03-037-0034
MARTIN C CARLSON

03-037-0011
MERLYN POWELL

03-037-0049
LYNN SIMMONS

03-037-0012
MARY S PARKER

(N 70°39'34" W 566.27')
(S 71°05' W 571.40' BR)

03-037-0042
BLAKE DOWNS

PARCEL "A"
GRIFFIN TO
MILLVILLE CITY
75,790 S.F.
1.740 ACRES

P.O.B.
GRIFFIN TO CITY

S 72°11'17" E 517.214'

NO OWNERSHIP "B"
457 S.F.

FENCE AGREEMENT LINE
N 75°42'08" E 161.229'

FOUND BOLT
P.O.B. WILDEN
AGREEMENT &
MILLVILLE CITY NO
OWNERSHIP "B"
804.909' N
977.474' E

40.618'
83.383'
N 00°49'00" E 124.000'

4" IRON POST

SURVEY
1981-0073B
LOCATION FOR
03-037-0010

CURRENT DEED
LOCATION FOR
03-037-0010

FENCE
AGREEMENT LINE

N 85°25'09" E
55.154' TO DRAINAGE
154.373 TO FENCE POST

03-037-0010
DALE & SHERRY
WILDEN

4" IRON POST
AGREEMENT P.O.T.
SPRING

APPROXIMATE CENTER OF
THE SOUTHWEST
QUARTER OF SECTION 23

(S 00°14'58" W BR PPS)
S 00°01'06" W
71.263'

97.336'
S 00°01'06" W
(SOUTH BR)
(S 0°01'06" W BR PPS)

FOUND & HELD
ADVANCED B&C
PEHRSON PLACE
SUBDIVISION

(S 00°14'58" W PPS)
S 00°01'06" W 212.519'
52.297'
283.782' TOTAL

03-037-0023
GALANE POSTMA
03-037-0036 MICHELLE LOLA HATCH
03-037-0035 PEHRSON
03-037-0061
RIPPLINGER
03-037-0045 WILLDEN
03-037-0046 WILLDEN

500 EAST

DATE:	7/04/22
DRAWN BY:	JSH
JOB NUMBER:	22-038
SCALE:	1" = 60'
SECTION:	SW/4 OF SECTION 23
TOWNSHIP:	11 N RANGE: 1 E
	OF THE SALT LAKE BASE & MERIDIAN

LOT LINE ADJUSTMENT FOR MILLVILLE CITY

JSH
SURVEYING & DRAFTING INC.
P.O. BOX 300 WELLSVILLE, UTAH 84339
(435) 245-9090 • TOLL FREE 1-888-420-0268 • FAX (435) 245-9669

Griffin Remainder Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian.
Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 846.153 feet; Thence East 497.157 feet; Thence South 00°39'21" West 5.385 feet to a point in the center of the Garr Springs Branch and the point of beginning; and Thence following said centerline the following four courses, 1) South 79°27'47" East 104.931 feet; 2) Thence South 60°57'08" East 87.420 feet; 3) Thence South 84°33'12" East 60.588 feet; 4) Thence South 82°00'55" East 93.981 feet; Thence leaving said drainage South 08°49'30" West 28.054 feet; Thence South 72°11'17" East 517.214 feet to a point located South 00°01'06" West (South 0°14'58" West by record) 71.26 feet of the Southwest corner of the Pehrson Place Subdivision; Thence South 00°01'0" West (South by record & South 0°14'58" West by record of the Pehrson Place Subdivision) 97.336 feet; Thence South 70°39'34" West 566.277 feet (South 71°05' West 571.4 feet by record) to a 4 inch steel fence post at a point described of record as being 11.8 Chains East and 4.35 Chains North of the Southwest Corner of Section 23; Thence North 64°10'47" West 604.534 feet (North 63°51' West 7.174 Chains–473.22 feet by record) to the centerline of the Millville canal; Thence Northeasterly along said canal center the following four courses, (North 19°37' East 4.72 Chains–311.52 feet by record) 1) North 17°42'00" East 82.438 feet; 2) Thence North 18°45'2" East 30.034 feet; 3) Thence North 20°11'18" East 161.670 feet; 4) Thence North 14°29'31" East 36.517 feet to the center of the Garr Springs Branch; Thence up the Garr Springs Branch the following ten courses, 1) South 82°20'44" East 28.488 feet; 2) Thence South 76°29'10" East 12.290 feet; 3) Thence North 88°52'10" East 41.209 feet; 4) Thence North 80°17'18" East 12.271 feet; 5) Thence North 43°31'27" East 16.226 feet; 6) Thence South 72°27'46" East 13.218 feet; 7) Thence North 46°38'59" East 9.652 feet; 8) Thence South 81°43'34" East 14.204 feet; 9) Thence South 38°58'10" East 17.311 feet; 10) Thence South 81°46'05" East 8.660 feet to the point of beginning. Containing 352,836 Square Feet or 8.100 Acres.

Parcel "A" Griffin to Millville City Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian.
Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found Bolt at a fence corner; Thence South 00°49'00" West 18.673 feet to a point in the center of the Garr Spring Branch and is the point of beginning; and running Thence Northeasterly along said centerline the following eight courses, 1) North 77°29'22" East 9.887 feet; 2) Thence South 83°02'28" East 52.668 feet; 3) Thence North 59°05'24" East 20.884 feet; 4) Thence North 64°00'08" East 27.372 feet; 5) Thence North 59°45'57" East 27.339 feet; 6) Thence North 69°46'22" East 45.430 feet; 7) Thence North 71°30'58" East 40.692 feet; 8) Thence North 47°28'59" East 2.974 feet to fence; Thence following said fence the following two courses, 1) North 85°25'09" East 99.219 feet; 2) Thence North 87°52'03" East 30.695 feet to a point on the West line of Lot 1 of the Pehrson Place Subdivision–52.297 feet Northerly of the Southwest corner of said Lot 1; Thence South 00°01'06"West (South 00°14'58" West by record of said subdivision) 283.782 feet; Thence North 72°11'17" West 517.214 feet; Thence North 08°49'30" East 28.054 feet to the center of the Garr Spring Branch; Thence Easterly along said centerline the following five courses, 1) South 73°27'20" East 23.975 feet; 2) Thence North 81°33'51" East 35.793 feet; 3) Thence North 77°21'26" East 38.799 feet; 4) Thence North 65°34'52" East 36.434 feet; 5) Thence North 77°29'22" East 18.153 feet to the point of beginning. Containing 75,790 Square Feet or 1.740 Acres.

Millville City No Ownership "A" Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian.
Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 846.153 feet; Thence East 497.157 feet to a point on a line described of record as being located South 7.54 Chains (497.64 feet) of the Center of the Southwest Quarter of said Section 23 and the point of beginning; running Thence South 00°39'21" West 5.385 feet to the center of the Garr Spring Branch; Thence Easterly along the center of the Garr Spring Branch the following 9 courses, 1) South 79°27'47" East 104.931 feet; 2) Thence South 60°57'08" East 87.420 feet; 3) Thence South 84°33'12" East 60.588 feet; 4) Thence South 82°00'55" East 93.981 feet; 5) Thence South 73°27'20" East 23.975 feet; 6) Thence North 81°33'51" East 35.793 feet; 7) Thence North 77°21'26" East 38.799 feet; 8) Thence North 65°34'52" East 36.434 feet; 9) Thence North 77°29'22" East 18.153 feet; Thence North 00°49'00" East 18.673 feet to a found bolt at fence corner; Thence continuing North 00°49'00" East 40.618 feet to the South line of the Millville City Parcel, being a line described of record as being located South 7.54 Chains (497.64 feet) of the Center of the Southwest Quarter of said Section 23; Thence North 89°55'30" West (North 89°49'53" west by record) 480.897 feet to the point of beginning.
Containing 28,366 Square Feet or 0.651 Acres.

Humphreys No Ownership Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian.
Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 846.153 feet; Thence East 497.157 feet to the Southwest Corner of the Millville City parcel 03–037–0031 and is the point of beginning, a point described of record as being located South 7.54 Chains and West 820 feet of the Center of the Southwest Quarter of said Section 23; and running and running Thence North 00°39'21" East 16.465 feet to the Southeast Corner of the Robert Humphreys parcel 03–037–0029 and a point described of record as being located South 230 feet and East 500 feet and South 242 feet from the West Quarter Corner of the Southwest Quarter of Section 23; And running Thence North 89°57'17" West (West by record) along the South line of said parcel 145 feet (140 feet by record) more or less to the East bank of the Millville Canal; Thence South 14°28'19" West 17.567 feet to the center of the Garr Springs Branch; Thence Easterly along said centerline the following ten courses, 1) South 82°20'44" East 19.747 feet; 2) Thence South 76°29'10" East 12.290 feet; 3) Thence North 88°52'10" East 41.209 feet; 4) Thence North 80°17'18" East 12.271 feet; 5) Thence North 43°31'27" East 16.226 feet; 6) Thence South 72°27'46" East 13.218 feet; 7) Thence North 46°38'59" East 9.652 feet; 8) Thence South 81°43'34" East 14.204 feet; 9) Thence South 38°58'10" East 17.311 feet; 10) Thence South 81°46'05" East 8.660 feet; Thence North 00°39'21" East 21.85 feet; to the point of beginning.
Containing 2489 Square Feet or 0.057 Acre.

Millville City No Ownership Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian.
Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found bolt (Moser pin) found at fence corner and is the point of beginning, said bolt being noted as the Southwest corner of the Wilden parcel 03–037–0010 on record of survey 1981–0073b and is a proposed agreement property corner; and running Thence Northeasterly along an existing fence and proposed agreement property line the following two courses, 1) North 75°42'38" East 161.229 feet to a 3 inch steel fence post; 2) Thence North 85°25'09"East 55.154 feet to the center of the Garr Springs Branch; Thence Southwesterly along the center of the Garr Spring Branch the following eight courses, 1) South 47°28'59" West 2.974 feet; 2) Thence South 71°30'58" West 40.692 feet; 3) Thence South 69°46'22" West 45.430 feet; 4) Thence South 59°45'57" West 27.339 feet; 5) Thence South 64°00'08" West 27.372 feet; 6) Thence South 59°05'24" West 20.884 feet; 7) Thence North 83°02'28" West 52.668 feet; 8) Thence South 77°29'22" West 9.887 feet; Thence North 00°49'00" East 18.673 feet to the point of beginning.
Containing 4537 Square Feet or 0.104 Acres.

Fence Agreement Legal Description

An existing fence line located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian. Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found bolt (Moser pin) found at fence corner and is the point of beginning, said bolt being noted as the Southwest corner of the Wilden parcel 03–037–0010 on record of survey 1981–0073b and is a proposed agreement property corner; and running Thence Northeasterly along an existing fence and proposed agreement property line the following four courses, 1) North 75°42'38" East 161.229 feet to a 3 inch steel fence post; 2) Thence North 85°25'09" East 55.154 feet to the center of the Garr Springs Branch; 3) Thence continuing North 85°25'09" East 99.219 feet to a 4 inch steel fence post; 4) Thence North 87°52'03" East 30.695 feet to the West line of Lot 1 of the Pehrson Place Subdivision, 30.70 feet Northerly of the Southwest corner of said Lot 1 and is the point of termination.

Overall Millville City Legal Description

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base &and Meridian. Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13"East 2,636.08 feet, and running Thence North 846.153 feet; Thence East 497.157 feet to the Southwest Corner of the Millville City parcel 03–037–0031 and is the point of beginning, a point described of record as being located South 7.54 Chains and West 820 feet of the Center of the Southwest Quarter of said Section 23; and running Northerly along the remnants of an old and original fence line the following eleven courses, 1) Thence North 00°39'21" East 26.151 feet; 2) Thence North 00°15'30"West 161.884 feet; 3) Thence North 00°52'17"West 71.937 feet; 4) Thence North 00°04'10"West 32.218 feet; 5) Thence North 00°35'57"East 176.626 feet; 6) Thence North 00°00'26"East 151.852 feet; 7) Thence North 02°41'09"East 170.014 feet; 8) Thence North 02°23'48"East 19.465 feet; 9) Thence North 06°05'41"West 29.706 feet; 10) Thence North 02°48'45"East 59.487 feet; 11) Thence North 00°09'45" East 160.530 feet to JSH bar and cap next to an old cedar fence post on the South line of 300 South Street; Thence South 87°02'50"East 484.219 feet (East 495 feet by calculation of record) along the South line of said street to JSH bar and cap set at and old fence post; Thence South 00°29'43" West 493.882 feet to found #5 bar at fence corner; Thence South 00°49'00"West 581.900 feet to a bolt (Moser pin) at fence corner; Thence Easterly along an old fence and proposed agreement property line the following three courses, 1) North 75°42'38" East 161.229 feet to a 4 inch steel fence post; 2) Thence North 85°25'09"East 154.373 feet to a 4"steel fence post; 3) Thence North 87°52'03"East 30.695 feet to a point on the West line of Lot 1 of the Pehrson Place Subdivision 52.297 feet Northerly of the Southwest corner of said Lot 1; Thence South 00°01'06"West (South 00°14'58"West by record of said subdivision) 283.782 feet; Thence North 72°11'17"West 517.214 feet; Thence North 08°49'30"East 28.054 feet to the center of the Garr Spring Branch; Thence Westerly along said Garr Spring Branch Center the following four courses, 1) North 82°00'55"West 93.981 feet; 2) Thence North 84°33'12"West 60.588 feet; 3) Thence North 60°57'08"West 87.420 feet; 4) Thence North 79°27'47"West 104.931 feet; Thence North 00°39'21"East 5.385 feet to the point of beginning.
Containing 616708 Square Feet or 14.158 Acres.

SURVEYOR'S CERTIFICATE

I, Jeff S. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 325023 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plat is a true and correct representation of said survey to the best of my knowledge and belief.

REGISTERED LAND SURVEYOR
7-04-22
NO. 325023
STATE OF UTAH
JEFF S. HANSEN

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO PERFORM A LOT LINE ADJUSTMENT BETWEEN MILLVILLE CITY AND GARY GRIFFIN. THE SURVEY WAS ORDERED BY CHAD CHAD KENDRICK FOR MILLVILLE CITY. THE PROPERTY LINEs WERE ADJUSTED PER AGREEMENT BETWEEN THE CITY AND GARY GRIFFIN. THE CONTROL USED THE TO ESTABLISH THE PROPERTY LINES WAS THE EXISTING PROPERTY CORNER mONUMENTATION AND FENCE LINES FOUND IN THE AREA. THERE IS A SIGNIFICANT ISSUE CONCERNING THE WEST PROPERTY LINE OF THE CITY PROPERTY. SOME OF THE DEED PROPERTY LINES OVERLAP AND THE HISTORICAL OLD FENCE LINE THAT I AM HOLDING AS THE WEST PROPERTY LINE IS NOT IN THE CORRECT LOCATION. THIS FENCE HAS BEEN IN PLACE FOR A VERY LONG TIME AND IN MY OPINION MUST ME HONORED AS THE PROPERTY LINE. THE ORIGINAL FENCE APPEARS TO HAVE BEEN A CEDAR POST AND WIRE FENCE THAT OVER THE YEARS HAS BEEN ADDED ONTO WITH A MORE MODERN T–POST AND WIRE FENCE THAT WANDERS SIGNIFICANTLY AROUND THE OLDER TREES THAT APPEAR TO HAVE BEEN PLANTED ON OR NEAR THE PROPERTY LINE. THERE HAS ALSO BEEN SOME STRUCTURES BUILT IN MORE RECENT YEARS THAT ENCROACH EAST OF THAT ORIGINAL FENCE. I AM SUGGESTING THAT MILLVILLE CITY OBTAIN BOUNDARY LINE AGREEMENTS WITH THE ADJOINING NEIGHBORS TO THE MEANDERING LINE THAT I AM SHOWING ON THIS PLAT AND HAVE STAKE IN THE FIELD AS PER THIS SURVEY. NONE OF THE PPROPETY CORNERS THAT I AM SETTING FOR THIS SURVEY ALONG THE WEST LINE HAVE ANYTHING TO DO WITH THE ADJOINING PROPERTY OWNERS NORTH–SOUTH PROPERTY LINES AS THEY DON'T MATCH DEED LOCATIONS VERY WELL AND THOSE OWNERS WILL NEED TO HAVE THEIR PROPERTIES SURVEYED AT A FUTURE DATE AND WILL MORE THAN LIKELY NEED TO OBTAIN BOUNDARY LINE AGREEMENTS WITH THE ADJOINING NEIGHBORS IN ORDER TO CLEAR UP THOSE ISSUES. THE MEANDERING LINE THAT I AM STAKING IS A BEST FIT TO THE OLDER NORTH–SOUTH FENCE FENCE WITH ADJUSTMENTS MADE TO ACCOMODATE THE MORE RECENT STRUCTURES BUILT. THERE ARE A TWO AREAS ALONG THE NORTH SIDE OF THE GARR SPRINGS DRAINAGE CHANNEL THAT ARE NOT CURRENTLY COVERED UNDER ANY CURRENT DEEDS. I HAVE PREPARED LEGAL DESCRIPTIONS FOR THESE PARCELS TO AID IN CLEARING UP THESE ISSUES AS WELL AND ARE AS NOTED AND ILLUSTRATED HEREON. I AM SUGGESTING THAT MILLVILLE CITY OBTAIN A BOUNDARY LINE AGREEMENT WITH THE WILDENS, PARCEL –0010 TO A LONG STANDING FENCE LINE THAT IS MOSTLY NORTH OF THIS DRAINAGE BUT CROSSES OVER THE DRAINAGE ABOUT 131 FEET WEST OF THE EAST LINE OF THE GRIFFIN PROPERTY. I AM HOLDING THE LINE ESTABLISHED BY ADVANCED LAND SURVEYING FOR THE PEHRSON PLACE SUBDIVISION FOR THE GRIFFIN EAST LINE.

DATE:	7/04/22
DRAWN BY:	JSH
JOB NUMBER:	22–038
SCALE:	1" = 60'
SECTION:	SW/4 OF SECTION 23
TOWNSHIP:	11 N RANGE: 1 E
	OF THE SALT LAKE BASE & MERIDIAN

LOT LINE ADJUSTMENT FOR MILLVILLE CITY

JSH
SURVEYING & DRAFTING INC.
P.O. BOX 300 o WELLSVILLE, UTAH 84339
(435) 245–9090 • TOLL FREE 1–888–420–0268 • FAX (435) 245–9669

AGENDA REPORT: GRAVEL PIT REQUEST - CELCO October 27, 2022

Background
Hal Christensen, the developer that was working on the Celco property, has submitted a request to operate a gravel pit on the Celco property in Millville and in Providence on the southeast sides of each city.

The minimum volume of material that would be expected to be removed from this property is one million cubic yards that would be crushed on site near the Millville/Providence border. The material would be hauled through Millville by 10-wheel dump trucks with trailers and 10-wheel transport trucks. This operation would result in significant noise, dust, traffic issues and damage to Millville City roads. The developer agrees that these negative effects would all result from this type of gravel pit operation in Millville City.

The requested route for these trucks is down Millville's very narrow 550 East and 300 South. Any traffic attempting to exit Millville on 300 South has to go north a block on either Main street or 100 West to get to 200 South which leads to the Maverik in Nibley. This jog back into Millville would result in additional traffic on narrow residential roads, all at the time when heavy road construction for the sewer project will be taking place.

The Highway intersection at the Maverik in Nibley does not have a light, so it is very difficult for any traffic to head south at this intersection. As a result of the stoplight near the Highschool being the only safe way to turn left on to the highway from Millville, we are seeing addition traffic and damage to the school roundabout by heavy equipment.

The proposed gravel pit is planned to span a five-year time frame.

The developer has stated that the removal of this material is needed to create a cost-effective building area for a future development on this property. It should be noted that the development process has been stopped by the developer and we have no timeline for when it might start back up again or who will do the development as the old development contract has been cancelled. No development is currently approved on this property.

As far as State requirements go, there are permits that would be needed from MSHA (Mine Safety and Health Administration) for a new gravel pit. There may be other permits needed as well that we are unfamiliar with. There are also concerns that have been discussed many times in Millville of how heavy earth work on these hills will affect storm water and mud flow and potential landslides on the Millville residents to the west.

As confirmed by the City attorney, as this area is zoned as Residential, and Millville's code does not include a conditional use permit for a gravel pit, this type of operation could not be permitted on this property without a zone change.

This is just a summary of the email request and position from Hal Christensen. Please review the attached email conversation and then discuss as a Council how you want to proceed.

Gmail

Corey Twedt <ctwedt@gmail.com>

Millville-Providence Development-Construction Traffic Restrictions

Hal Christensen <ehchristensen@terrexengcon.com> Mon, Oct 10, 2022 at 1:01 PM
To: Corey Twedt <ctwedt@gmail.com>
Cc: "Justin Broshear (jsbroshear@copconstruction.com)" <jsbroshear@copconstruction.com>

Corey,

Does Millville City have restrictions on local street traffic as might be generated by construction dump trucks with trailers. I am looking at the possibility of using 300 South as a haul road for road-base material from a temporary gravel pit operation on the CELCO property. The temporary gravel pit will facilitate and reduce the cost of excessive earthwork for a proposed residential subdivision on the property.

Thank you in advance for a replay at you earliest convenience.

Hal

E. Hal Christensen, SE, PE
President & Corporate Engineering Manager
TERREX
Engineering & Construction, LLC
Cell: (801) 458-9647
Email: ehchristensen@terrexengcon.com
Street: 272 East 3000 North, North Ogden, UT 84414
Mail: P.O. Box 13059, Ogden, UT 884412

Gmail Corey Twedt <ctwedt@gmail.com>

Millville-Providence Development-Construction Traffic Restrictions

Corey Twedt <ctwedt@gmail.com> Thu, Oct 13, 2022 at 9:59 AM
To: Hal Christensen <ehchristensen@terrexengcon.com>
Cc: "Justin Broshear (jsbroshear@copconstruction.com)" <jsbroshear@copconstruction.com>, Chad Kendrick <ckendrick642@gmail.com>

Hi Hal,
Yes, there are a lot of restrictions for a gravel pit and permits that would be needed. We would need to understand exactly what you are looking to do and on what portion of the property (in what City it resides) to have a bigger conversation about this.

I would also need to involve the Council in this discussion.

Thanks
[Quoted text hidden]
--

Corey Twedt
City Recorder

office: 435.750.0924
mobile: 435.881.2669
web: millvillecity.org

Millville-Providence Development-Construction Traffic Restrictions

Hal Christensen <ehchristensen@terrexengcon.com> Thu, Oct 13, 2022 at 11:24 AM
To: Corey Twedt <ctwedt@gmail.com>
Cc: "Denise Samples<denisemsamples@gmail.com>" <denisemsamples@gmail.com>, "Justin Broshear (jsbroshear@copconstruction.com)" <jsbroshear@copconstruction.com>

Corey,

Thanks for the feedback.

There's a lot of that has changed since we last talked about moving forward with the Preliminary Plan for the Providence Highlands development. Some of which I mentioned in previous emails.

The investor that was expected to finance the development pulled out of the deal due to the downturn in the residential real estate market and the costs associated with earthwork to grade both streets and building lots in accordance to the Conceptual Plan and Millville City ordinances. Consequently, Terrex was unable to negotiate an extension to the purchase contract with Jeremy Jensen to allow time to address the investor's concerns. As we speak, the contract was cancelled.

As you're aware, Terrex has invested a significant amount of time and money to secure all approvals from Millville and Providence cities to move forward with the eventual construction of the proposed development. To get to the point of the matter, Terrex would like to identify any and all administrative requirements and costs to install and operate a gravel pit operation on the development property. We are talking with a few contractors in the Cache Valley area to setup and operate the gravel pit at no direct costs to Terrex in exchange for completing all rough grading earthwork for the proposed development.

The crusher and material handling equipment including temporary stockpiles of processed materials will be initially located somewhere at the Millville-Providence boundary line within the development property.

The processed material will be hauled from the gravel pit site using a combination of 10 wheeled dump trucks pulling 16 yrd^3 trailers (pups) and 10 wheeled transport trucks pulling 16 yrd^3 to 30 yrd^3 belly dumps and/or side dumps. The volume of material that will be crushed and hauled from the development property will depend on any and all restrictions imposed by both Millville and Providence cities for heavy construction truck traffic on 300 South (Millville) and 1000 South (Providence). Nearly 100% of the material to be crushed and removed from the development property is located in Millville.

At a minimum, the volume of processed material is expected to be in-and-around the 1.0 million yrd^3 range as roughly determined from a grading plan that was generated from the Conceptual Plan that was further approved by the Millville Planning Commission in August.

As is obviously the case, the proposed gravel pit operation will result in noise, dust, additional traffic congestion, and potential damage to the haul roads/streets as mentioned above. Terrex will commit to implementing measures to mitigate

the stated gravel pit operational issues. Water trucks will effectively eliminate excessive dust due to process equipment and transport truck operations. Terrex will provide performance bonding to cover the potential cost to repair damage to 300 South. The gravel pit operation will generate noise that will have to be tolerated by residences within the immediate location of the pit location.

As you know, the development has been divided into four phases with the initial plan to sellout one phase per year. That may or may not be practical given the current and projected downturn in the Cache Valley residential real estate market. Market projections will be researched and factored into any changes to the initial lot sales absorption estimate. However, the proposed gravel pit operational period will not exceed five years.

Thanks again for your response to my earlier email. I look forward to getting concerns, thoughts, recommendations, ……..

Hal

E. Hal Christensen, SE, PE
President & Corporate Engineering Manager
TERREX
Engineering & Construction, LLC
Cell: (801) 458-9647
Email: ehchristensen@terrexengcon.com
Street: 272 East 3000 North, North Ogden, UT 84414
Mail: P.O. Box 13059, Ogden, UT 884412

From: Corey Twedt <ctwedt@gmail.com>
Sent: Thursday, October 13, 2022 9:59 AM
To: Hal Christensen <ehchristensen@terrexengcon.com>
Cc: Justin Broshear (jsbroshear@copconstruction.com) <jsbroshear@copconstruction.com>; Chad Kendrick <ckendrick642@gmail.com>
Subject: Re: Millville-Providence Development-Construction Traffic Restrictions

Hi Hal,

Yes, there are a lot of restrictions for a gravel pit and permits that would be needed. We would need to understand exactly what you are looking to do and on what portion of the property (in what City it resides) to have a bigger conversation about this.

I would also need to involve the Council in this discussion.

Thanks

On Mon, Oct 10, 2022 at 1:01 PM Hal Christensen <ehchristensen@terrexengcon.com> wrote:

Corey,

Does Millville City have restrictions on local street traffic as might be generated by construction dump trucks with trailers. I am looking at the possibility of using 300 South as a haul road for road-base material from a temporary gravel pit operation on the CELCO property. The temporary gravel pit will facilitate and reduce the cost of excessive earthwork for a proposed residential subdivision on the property.

Thank you in advance for a replay at you earliest convenience.

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President & Corporate Engineering Manager
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Cell: (801) 458-9647
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Street: 272 East 3000 North, North Ogden, UT 84414
Mail: P.O. Box 13059, Ogden, UT 884412

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Corey Twedt

City Recorder

office: 435.750.0924

mobile: 435.881.2669

web: millvillecity.org

Gmail

Corey Twedt <ctwedt@gmail.com>

Millville-Providence Development-Construction Traffic Restrictions

Corey Twedt <ctwedt@gmail.com> Wed, Oct 19, 2022 at 9:30 AM
To: Hal Christensen <ehchristensen@terrexengcon.com>
Cc: "Denise Samples<denisemsamples@gmail.com>" <denisemsamples@gmail.com>

Hal,
I'm still looking into this and gathering information. My initial response is that this area is zoned as residential and a gravel pit is not a permitted activity in this type of zone. In addition to that, a MSHA (Mine Safety and Health Administration) permit would be required if it was permitted.

Again, I am doing more research, but I don't think Millville would allow this to happen in that area.

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[Quoted text hidden]

ESTABLISHED 1860
MILLVILLE

Gmail

Corey Twedt <ctwedt@gmail.com>

Millville-Providence Development-Construction Traffic Restrictions

Hal Christensen <ehchristensen@terrexengcon.com> Wed, Oct 19, 2022 at 11:42 AM
To: Corey Twedt <ctwedt@gmail.com>
Cc: "Denise Samples<denisemsamples@gmail.com>" <denisemsamples@gmail.com>

Corey,

Thanks for the update. I appreciate it.

The proposed gravel pit should be considered, or judged, to be a component of the overall construction of the proposed residential development. The objective of the gravel pit is to remove excess material within the development property to better construct subdivision streets, mitigate and better control stormwater runoff flows, and to allow for building lot grading in accordance with Millville City ordinances. In other words, the removal of the stated excess material is the same as rough earthwork operations to optimize street and building lot construction over the development property. This type of site work is typical with the construction of civil-site improvements for every residential commercial subdivision. The difference with the Millville part of the development property is the volume of cut material far exceeds the volume of fill material necessitating that the excess material be removed from the proposed subdivision site or development property.

Additionally, the property cannot be developed within reasonable profit margins without the needed removal of the above stated excessive cut (site) material; especially with the current and projected downturn in the residential real estate market.

My general contractor design-build partner, or an approved subcontractor, will sell the excess site material as processed (crushed and screened) road-base or other rock products for the construction of both on-site and off-site municipal streets in addition to state highways, commercial parking lots……..etc. All revenues that might be generated from the sale of processed material will be used to offset the substantial costs of the required rough grading of the development property.

The use of the word “gravel pit” is somewhat misleading or confusing. As is obviously the case, a gravel pit site incudes rock crushing and screening equipment which generates noise and dust. Rock crushing and screening equipment can be located off-site at another location and a reasonable distance from existing subdivision homes. However the excessive site material will have to loading and transported from the development property using large construction equipment and material transport trailers as pulled by large truck-tractors.

The construction activity to remove excess site material is expected to last four to five years which is the projected period of time to fully complete all phases of the proposed residential development on both the parts of the development property located within Providence and Millville. Any operation of a gravel pit or excessive earthwork activity should not be considered a long-term or, by no means, a permanent operation.

Terrex and COP Construction (development design-build team), recognizes the significant likelihood, or probability of damage to 300 South that might be caused by the proposed use of 300 South as a haul-road to transport excess site material from the development property. Terrex and COP will contract with Millville City to maintain 300 South over the duration of the haul road operation including the deposit of a performance or cash bond in an escrow account of Millville

City's choosing. All other significant issues with the use of 300 South such as dust control, speed limits, flagging, private property damage ……..etc. can be included in a negotiated construction agreement between both parties.

A couple of issues/things need to be noted: 1) a gravel pit operation was authorized and used by the current property owner to rough grade the current Phase 3 Providence Highlands subdivision with the excess material used as road-base for the new Ridgeline High School for street and parking lot construction; and 2) a cursory read of the MSHA permit regulations seems to indicate that the law is geared to regulate coal and mineral mining operations and has not much to do with open gravel pits. That said, State of Utah construction safety regulations will be implemented and enforced for all site-civil construction work.

As you know, I need to move forward with all city approvals to be in a position to get investment money for the development and to close on the property as soon as reasonably possible. The biggest issue is the approval of either the onsite or offsite gravel pit. I am optimistic that Millville City will work with me to eventually get the development constructed including a substantial park for Millville residents to enjoy for a long time.

I am not sure how to best move forward with the approval of the gravel pit or removal of excess site material. Keep me posted, as always, and let me know if I need to attend a City Council meeting or with Lance.

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MILLVILLE CITY CORPORATION | Transaction Register - by Customer Name | Page: 1

Dates: 07/11/2022 - 10/10/2022 | Oct 06, 2022 1:16PM

Report Criteria:

Selected types: Billing Adjustment, Payment Adjustment, Write Off

Name	Customer Number	Type	Reference Number	Description	Source ID	Check Number	Amount	Msg	Service
Billing Adjustment									
07/11/2022									
LUCHERINI LOGAN	3.0975.3	Billing	1				112.15	M	Multiple
Total 07/11/2022:							112.15		
07/19/2022									
JENSEN, BRIAN	2.2560.1	Billing	2	OFF APT WATER			38.00-	M	WATER - 1
SMITH, SIDNEY	1.4250.1	Billing	1	off leak fixed			42.79-	M	WATER - 1
Total 07/19/2022:							80.79-		
08/01/2022									
HANCEY DUSTY MIKAELA	1.2164.1	Billing	1	was applied to jons acct			78.64-	M	Multiple
HANCEY DUSTY MIKAELA	1.2164.1	Billing	2	paid to jon account			78.65-	M	Multiple
Total 08/01/2022:							157.29-		
08/10/2022									
HANCEY DUSTY MIKAELA	1.2164.1	Billing	1	off penalaty			11.80-	M	PNTLY - 19
JASPERING STEFANE	3.0070.5	Billing	2	Read/Usg Adj done on 08/1			.00		WATER - 1
Total 08/10/2022:							11.80-		
08/18/2022									
JASPERING STEFANE	3.0070.5	Billing	1	Read/Usg Adj for 08/10/202			9,898.21-		WATER - 1
JASPERING STEFANE	3.0070.5	Billing	2				20.64-	M	PNTLY - 19
Total 08/18/2022:							9,918.85-		
08/25/2022									
ANDERSON AMY COLD W	1.2650.4	Billing	4	OFF PENALTY MAIL TARA			13.19-	M	PNTLY - 19
ANDERSON, KARLA	1.1070.1	Billing	2	OFF PENALTY MAIL SURG			16.13-	M	PNTLY - 19
GIBBONS KATIE #3	2.1580.2	Billing	1	OFF PENALTY MAIL SURG			13.47-	M	PNTLY - 19
HOLMGREN III SPENCER	2.1450.2	Billing	3	OFF PENALTY MAIL DELA			18.36-	M	PNTLY - 19
Total 08/25/2022:							61.15-		
08/30/2022									
CUTLER KELLAN TESSA	2.3510.2	Billing	2	off penatly mail delay surger			16.12-	M	PNTLY - 19
GETTMAN GARY NEW	2.2025.1	Billing	1	off penalty mail delay surger			18.25-	M	Multiple
JUDD JENNIFER	3.0995.4	Billing	4	OFF PENALTY SURGERY			15.59-	M	WATER - 1
LOWDER, NATHAN MAND	4.0125.0	Billing	3	OFF PENALTY MAIL SURG			18.34-	M	AMB & EM
Total 08/30/2022:							68.30-		
09/01/2022									
BULLOCK BRIDGER	4.3141.0	Billing	1	OFF PENALTY LATE MAIL			6.80-	M	PNTLY - 19
JASPERING STEFANE	3.0070.5	Billing	2	OFF METER LEAK 1/2			65.30-	M	WATER - 1
PEACE FROG LLC	1.3310.2	Billing	4	OFF PENALTY MAIL DELA			19.53-	M	PNTLY - 19
STAGGIE BLAKE / GLORIA	3.0190.2	Billing	3	OFF METER 1/2			58.25-	M	WATER - 1

Msg: M= Manually Allocated F= Final Bill

Name	Customer Number	Type	Reference Number	Description	Source ID	Check Number	Amount	Msg	Service
Total 09/01/2022:							149.88-		
09/06/2022									
ANDERSON AMY COLD W	1.2650.4	Billing	4	OFF PENALTY MAIL SURG			13.19-	M	WATER - 1
BOWEN, ROSS (MIC)	1.3010.3	Billing	7	OFF PENALTY MAIL SURG			5.05-	M	WATER - 1
BURNHAM SHANNON	3.0060.3	Billing	20	off penalty mail surgery			14.66-	M	WATER - 1
CLEGG, CLINTON	2.1620.1	Billing	19	off penalty mail surgery			13.82-	M	WATER - 1
HOLMGREN III SPENCER	2.1450.2	Billing	12	off penalty mail surgery			18.36-	M	WATER - 1
HORNSBY, GABE	1.2491.9	Billing	15	off penalty mail surgery			13.85-	M	WATER - 1
JENSON, JENNIFER	1.0134.1	Billing	10	off penalty mail surgery			5.94-	M	WATER - 1
JESSOP ASHLIE/SHANE	4.0122.1	Billing	5	OFF PENALTY MAIL SURG			18.82-	M	PNTLY - 19
JESSOP, BETH	1.2730.1	Billing	16	off penalty mail surgery			11.97-	M	WATER - 1
LEISHMAN JASON	1.4675.1	Billing	14	off penalty mail surgery			24.19-	M	WATER - 1
LEWIS LARRY BARB	2.3700.2	Billing	1	off penalty mail surgery			11.21-	M	Multiple
LEWIS, LARRY	2.3060.1	Billing	2	off penalty mail surgery			11.73-	M	Multiple
LOWDER, NATHAN MAND	4.0125.0	Billing	13	off penalty mail surgery			18.34-	M	WATER - 1
LUNDGREN ASHTON LEIG	2.4350.3	Billing	11	off penalty mail surgery			15.85-	M	WATER - 1
MALOUF, SAM	3.2394.1	Billing	8	OFF PENALTY MAIL SURG			30.50-	M	Multiple
PEMBERTON CHAD / ASH	4311.0	Billing	6	OFF PENALTY MAIL SURG			19.76-	M	WATER - 1
PHILLIPS TENNILLE SEGA	1.2250.1	Billing	9	off penalty mail surgery			15.77-	M	WATER - 1
ROCKY MT RESIDENTIAL	1.4640.2	Billing	17	off penalty mail surgery			11.30-	M	WATER - 1
SPENDLOVE, REX	2.4320.1	Billing	3	OFF PENALTY MAIL SURG			12.53-	M	WATER - 1
THORNTON,T COLE/TAUS	2.1300.2	Billing	18	off penalty mail surgery			13.12-	M	WATER - 1
Total 09/06/2022:							299.96-		
09/08/2022									
FERGUSON, DEAN	2.1950.1	Billing	1	off penalty mail surgery			15.02-	M	WATER - 1
Total 09/08/2022:							15.02-		
09/10/2022									
HANCEY DUSTY MIKAELA	1.2164.1	Billing	3	error from 8/1 add back			78.65	M	Multiple
SMITH, SIDNEY	1.4250.1	Billing	1	add back on billing adju			42.79	M	WATER - 1
THATCHER, MARK	3.0900.1	Billing	2	off check cut to him			439.25	M	WATER - 1
Total 09/10/2022:							560.69		
Total Billing Adjustment:							10,090.20-		

AGENDA REPORT: BUDGET REVIEW **October 27, 2022**

Background

Every quarter, the City Council reviews the fiscal-year-to-date budget for an update on revenue and expenses so far in the year.

The budget review at this meeting will include the FY23 budget through the first quarter (July 2022 – September 2022).

Included Documents

- FY23 Budget with progress and percentage of total through Q1.

MILLVILLE CITY BUDGET - REVENUE		ORIGINAL	REVIEW	
	Account Description	FY23 Budget	FY23 Q1	% of Total
GENERAL	Property Tax	$151,000	$865	1%
	Sales Tax	$350,000	$100,586	29%
	Motor Tax	$900	$0	0%
	In Lieu Fees	$8,000	$3,560	45%
	Comcast Franchise	$9,200	$2,579	28%
	Energy Sales and Use Tax	$160,000	$40,011	25%
	Animal Licenses	$4,300	$90	2%
	Ambulance / EMS	$44,000	$10,916	25%
	Fines / Court	$3,500	$713	20%
	Business Licenses	$2,600	$25	1%
	Sanitation	$215,000	$54,785	25%
	9-1-1 Service	$27,000	$6,282	23%
	Class "C" Roads	$120,000	$45,466	38%
	Appro. Fund Bal. Class "C" Rd	$0	$0	100%
	Appropriated Fund Balance	$0	$0	100%
	Park Impact Fee	$37,300	$8,590	23%
	Park Impact Appropriated FB	$37,300	$0	0%
	Road Impact Fee	$12,300	$5,280	43%
	Road Impact Appropriated FB	$0	$0	100%
	Restaurant/RAPZ Tax Awarded	$65,600	$0	0%
	Youth Council	$1,500	$0	0%
	Park Rentals	$3,500	$3,500	100%
	Building Permits	$7,400	$3,365	45%
	Development Review Fees	$1,500	$3,450	230%
	Reimbursed Fees; Eng. & Dev.	$2,000	$167	8%
	Interest	$4,100	$7,309	178%
	COVID Grants (CARES or ARPA)	$127,200	$127,227	100%
	COG Grant (reimbursment)	$0	$0	100%
	Donations	$0	$2,900	100%
	Misc. Revenue	$400	$412	103%
	Mass Transit Sales Tax/CVTD	$32,000	$0	0%
	TOTAL GENERAL	**$1,427,600**	**$428,078**	**30%**
STORM WATER	Charges for Stormwater	$33,000	$8,098	25%
	Stormwater Construction Fees	$1,600	$550	34%
	Interest	$200	$345	173%
	Transfer from General Fund	$0	$0	100%
	Appropriated Fund Balance	$0	$0	100%
	TOTAL STORMWATER	**$34,800**	**$8,993**	**26%**

MILLVILLE CITY BUDGET - REVENUE		ORIGINAL	REVIEW	
	Account Description	FY23 Budget	FY23 Q1	% of Total
CPT PROJ.	Interest	$2,000	$4,563	228%
	Appropriated Fund Balance	$0	$0	100%
	Transfer from General Fund	$153,400	$0	0%
	TOTAL CAPITAL PROJECT	**$155,400**	**$4,563**	**3%**
WATER & SEWER	Charges for Water Service ...	$490,000	$148,394	30%
	Miscellaneous Income	$2,000	$0	0%
	Interest	$4,500	$6,750	150%
	Water Impact Fee	$21,300	$12,200	57%
	Water Connection Fees	$1,500	$650	43%
	Residential Sewer Fees	$42,000	$8,312	20%
	Charges for Sewer Service	$12,000	$5,650	47%
	Sewer Connection Fees	$0	$13,500	Fix
	Grant Proceeds (Water)	$0	$0	100%
	Grant Proceeds (Sewer)	$0	$0	100%
	Debt Proceeds (Water)	$0	$0	100%
	Debt Proceeds (Sewer)	$0	$0	100%
	Transfer from General Fund	$127,200	$127,200	100%
	Transfer from Capital Project Fund	$0	$0	100%
	Appropriated Fund Balance	$14,557,000	$0	0%
	TOTAL WATER AND SEWER	**$15,257,500**	**$322,656**	**2%**
	TOTAL	**$16,875,300**	**$764,290**	**5%**

MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW	
	Account Description	FY23 Budget	FY23 Q1	% of Total
GENERAL	General Government	$44,500	$2,770	6%
	Auditor (General) ...	$16,000	$0	0%
	Financial Consulting & IT (General) ...	$14,000	$0	0%
	Insurance (General)	$16,000	$27,282	171%
	Elected Officials (General)	$20,500	$6,660	32%
	General Non-Category Payroll	$86,500	$21,216	25%
	P&Z ...	$9,500	$0	0%
	Legal (General) ...	$14,000	$1,404	10%
	Engineering (General) ...	$30,000	$2,033	7%
	Building (General) ...	$10,800	$1,307	12%
	Law Enforcement	$26,200	$13,088	50%
	Animal Control ...	$3,800	$1,888	50%
	Fire	$28,500	$26,749	94%
	First Responders and EMS	$40,000	$21,569	54%
	Elections ...	$500	$0	0%
	Roads - General ...	$120,000	$47,497	40%
	Roads Class "C" Regular ...	$46,000	$0	0%
	Roads Class "C" Capital Outlay	$0	$0	100%
	Class "C" Designated Future Use	$74,000	$0	0%
	COG Road Project (Reimbursable)	$0	$0	100%
	Road Impact Fee Capital Outlay	$0	$51,999	Fix
	Road Impact Fee Designated Future	$12,300	$0	0%
	Parks (General) ...	$129,000	$6,766	5%
	Parks/Recreation - Other ...	$11,600	$200	2%
	Park Capital Improv. RAPZ (Reimbursable)	$65,600	$36,203	55%
	Park Impact Fees ...	$0	$50,613	Fix
	Park Impact Fees - Designated Future	$37,300	$0	0%
	Sanitation	$216,000	$52,784	24%
	9-1-1 Service	$26,500	$6,429	24%
	Disaster Relief	$4,000	$0	0%
	Public Safety/Emergency Preparedness ...	$6,000	$0	0%
	Youth Council ...	$5,900	$795	13%
	Designated for Future Use	$0	$0	100%
	Mass Transit Tax Distribution/CVTD	$32,000	$0	0%
	Transfer to Capital Project Fund	$153,400	$0	0%
	Transfer to Water-Sewer Fund	$127,200	$127,200	100%
	TOTAL GENERAL	**$1,427,600**	**$506,452**	**35%**

STORM WATER	Salaries/Benefits	$19,000	$330	98%
	Special Dept. Supplies (SW) ...	$9,000	$750	92%
	Capital Outlay	$0	$14,495	Fix
	Appropriated for Future Use	$6,800	$0	100%
	TOTAL STORMWATER	**$34,800**	**$15,575**	**55%**
CPT PROJECT	Capital Outlay - Gen Government	$95,000	$0	0%
	Capital Projects	$0	$0	100%
	Transfer to Water-Sewer Fund	$0	$0	100%
	Designated Future Use	$60,400	$0	0%
	TOTAL CAPITAL PROJECT	**$155,400**	**$0**	**0%**
WATER & SEWER	General (Water) ...	$63,000	$13,671	22%
	Salary/Benefit (Water) ...	$146,000	$21,271	15%
	Legal (Water) ...	$10,000	$0	0%
	Engineering (Water)	$11,000	$0	0%
	Engineering (Sewer)	$0	$0	100%
	Auditor (Water) ...	$12,000	$0	0%
	Financial Consulting (Water) ...	$8,500	$0	0%
	Insurance (Water)	$9,000	$5,583	62%
	Special Department Supplies - Water ...	$44,000	$3,084	7%
	Special Department Supplies - Sewer	$0	$0	100%
	City Sewer/Nibley	$9,000	$445	5%
	ARPA	$127,500	$696	1%
	Capital Outlay (Water)	$15,000	$0	0%
	Water Capital Projects	$0	$0	100%
	Sewer Capital Projects	$14,630,000	$2,926,976	20%
	InterCity Sewer Upsizing Payment	$0	$0	100%
	Water Bond (1997)	$0	$0	100%
	Water Bond (2006)	$92,500	$0	0%
	Bond (2000) - Parker Well	$45,000	$11,190	25%
	Cap. Facility Rplcmnt Fund Reserve	$35,000	$0	0%
	Designated for Future Use - Water	$0	$0	100%
	Designated for Future Use - Sewer	$0	$0	100%
	TOTAL WATER AND SEWER	**$15,257,500**	**$2,982,916**	**20%**
	TOTAL	**$16,875,300**	**$3,504,943**	**21%**

Councilmember Assignments 2022

Updated 1/27/22

Councilmember Daniel Grange

- Water
- Trails
- Fire/EMS/Emergency Preparedness
- City Celebration Support

Councilmember Ryan Zollinger

- Sewer
- Parade

Councilmember Clay Wilker

- City Celebration/Night Out Against Crime
- Youth Council

Councilmember Pamela June

- Ordinance Enforcement
- P&Z
- Fair Booth

Councilmember Michael Callahan

- Law Enforcement/Animal Control
- Ordinance Enforcement Support
- Wildfire