

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
November 10, 2022

PRESENT: David Hair, Daniel Grange, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Shawn Baxter, Linn Stuebner, Steve Walker

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for November 10, 2022 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger and Daniel Grange were in attendance with Councilmember Clay Wilker excused. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Mayor Hair welcomed everyone to the Council Meeting and turned the time over to Councilmember Callahan. Councilmember Callahan discussed a little about his military service. He specifically discussed two tours he served in the Vietnam War and the fifty men from his company that did not make it home. He asked that everyone spend a few minutes on Veterans Day tomorrow thinking about those that have given their lives for our freedoms. Mayor Hair then led all present in the pledge of allegiance and then offered a word of prayer.

Approval of Agenda

The agenda for the City Council Meeting of November 10, 2022 was reviewed.

Councilmember Callahan moved to approve the agenda for November 10, 2022.

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

Approval of Minutes of the Previous Meeting

The Council reviewed the minutes of the City Council Meeting for October 27, 2022.

Councilmember Callahan moved to approve the minutes for October 27, 2022.

Councilmember Zollinger seconded. Mayor Hair pointed out a missing word on page four which was fixed. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

Public Comment Period

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

Request for a Business License for BAXBO LLC

Shawn Baxter has submitted a request for a business license for BAXBO LLC at 695 W. 1700 S. Bldg. 8. Shawn said that they work with logos on apparel and sell primarily direct to retailers. **Councilmember Callahan moved to approve the business license for BAXBO LLC.** Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (A copy of the license application is included with the minutes as Attachment “B”.)

Report on P & Z Meeting held November 3, 2022

Development Coordinator Kara Everton reviewed with the Council the Planning Commission’s draft minutes for the meeting held November 3, 2022.

Consideration of a Resolution Accepting the 105 West Subdivision

Recorder Twedt reviewed with the Council the resolution to accept the 105 West Subdivision. He said that all the reviews had been completed by the Planning Commission and the City Engineer and fees have been paid.

Councilmember Grange moved to approve Resolution 2022-24. Councilmember June seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (The approved resolution is included with the minutes as Attachment “C”).

Consideration of an Ordinance increasing pay rates for elected officials

Mayor Hair reviewed with the Council the ordinance that would increase the pay rate for elected officials by 10%. He said that there is a lot happening with the sewer coming to Millville and everything else going on and they have a lot of work to do and rates have not been adjusted since 2015. The Council discussed the proposed rate increases. The consensus was that they felt Mayor Hair was far busier with City-related work than the councilmembers are.

Councilmember June motioned to increase the pay for the Mayor from \$700 per month to \$800 per month and to keep the Councilmember pay at \$300 per month. Councilmember Callahan seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (The approved ordinance is included with the minutes as Attachment “D”).

Consideration of a Resolution Accepting the Millville Price Property Annexation Petition

Recorder Twedt reviewed with the Council the resolution to accept the petition submitted by the City to annex the property the City has purchased from the Price family for the location of the sewer lift station.

Councilmember Callahan moved to approve Resolution 2022-25. Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (The approved resolution is included with the minutes as Attachment “E”).)

Review of new proposed code regulations for Accessory Dwelling Units and Short-Term Rentals

Recorder Twedt reviewed with the Council the code updates recommended by the Planning Commission for Accessory Dwelling Units and Short-Term Rentals. Councilmember June proposed a correction for clarification that was added to the redline document. Councilmember Zollinger said that he would like to spend more time on this and proposed it be moved forward to a future meeting. The rest of the Council agreed that more time would be good to review the proposed code additions. (A copy of the related staff report is included with the minutes as Attachment “F”).)

Discussion on internal accessory dwelling utility fees

Mayor Hair said that he had some concerns about the current utility fees for in-home apartments. He said that it seems like a lot of the businesses in the City have a much larger impact on the roads and on the City than an apartment does. He said that he was especially concerned that homes with apartments would be required to pay for two monthly sewer bills once the sewer project was complete. He said he thought that these fees might be too high. Mayor Hair said that he felt like the Council needed to review all the fees to ensure they were being fair to residents with apartments.

Mayor Hair said that he would like to review this and come up with a plan and then lock it in so that the Council isn’t reviewing this over and over.

Councilmember Callahan said that the basic principle is that if the City wants more of something, they should tax it less.

Recorder Twedt briefly explained how the sewer rate was determined for Ridgeline High School and how it would be determined for other businesses, schools, and churches in the future. They calculate the number of ERUs being used from the water bill and then multiply the resident sewer rate by that number.

Mayor hair said that Linn had requested that the Council consider lowering the monthly rate for apartments while they spend time working through things to potentially change things going forward. Councilmember Grange said that the rate is clearly defined in the existing resolution. He said that he feels that the Council either needs to stick to the resolution or make a change, but that they shouldn’t make exceptions.

Councilmember Zollinger said that there had now been a couple of different homeowners that have come in with concerns about the monthly utility rates for their apartments. He said that he thought it was okay to look at it again.

Public Works Director Chad Kendrick said that one issue he has with apartments is that they often don't have dedicated parking spaces for renters. It was discussed that the new code being considered to address accessory dwelling units had requirements for dedicated parking.

Councilmember June said that maybe the City should look at modifying the fees for business licenses.

Linn Stuebner said that she had provided a proposal. Recorder Twedt pointed out that this had been included in the agenda packet received by the Councilmembers. Linn said that her water usage didn't change very much whether she had a renter in her home or not. She said that there are people in her neighborhood that have rentals that won't tell the City, because they don't want to pay the fees. She suggested that it would be better to have lower fees so that residents wouldn't try to avoid them.

Linn said that doubling everything doesn't seem appropriate when a single family across the street may have the same or more people in their house than she does including her rental. Director Kendrick said that a family with a bunch of kids is not making money with the kids living in the house. Residents with a rental are making money from the renters. Councilmember Callahan said that government has always structured things to the benefit of a nuclear family.

Linn said that home-based preschools in Millville are a bigger impact on the City than her apartment rental. Councilmember Zollinger said that he is not seeing a big difference between an apartment and a business that has employees or clients in a home.

The Council said they would like some more time to try and figure this out. Mayor Hair asked that the Council email or text Recorder Twedt ideas that he could put together for a review at a future meeting.

Councilmember Zollinger asked Recorder Twedt to provide a comparison of costs for a residence with and without an apartment so that they could look at real numbers. (A copy of the related staff report is included with the minutes as Attachment "G".)

Review of 2022 Business Licenses for 2023 renewals

Recorder Twedt said that business license renewals are needed each year in January. In November of each year, the Council reviews the existing business licenses to determine if renewals should be sent to all the existing license holders or if there are issues that the City would like to address prior to issuing a new business license for the new year. Recorder Twedt reviewed with the Council the list of existing business licenses. The Council said to

send out renewals to all existing Millville business license holders. (The list of 2022 business licenses is included with the minutes as Attachment “H”).

Street light request for 600 East Center

Mayor Hair discussed the request that had been received for the City to consider a light on Center Street. He said that many of the roads throughout the City are at least that dark or darker. He suggested that the residents put an outdoor light on their garage if they are concerned about how dark it is for now. Mayor Hair said that with the current budget, they could not afford a new streetlight right now.

It was discussed that they would push for streetlights in the future with additional development further east.

Traffic concerns on 300 East

Mayor Hair discussed the concern from residents about cars speeding on 300 East. He suggested the City put up a new 25 mph sign for south-bound traffic before they come down the hill. The Council agreed. Director Kendrick said that he would work to order a new sign and install it on that road.

Remaining unleased City-Owned irrigation water shares

Recorder Twedt said that at the end of 2022, the City had advertised to lease the currently un-needed irrigation water shares owned by the City. Lease agreements were signed for four years. The City has about six remaining shares for the Millville Irrigation Company and four shares for the Providence Irrigation Company that were not leased. He said that he would like to advertise these shares for lease for the remaining three years. The Council agreed that this would be fine.

Consideration for cancelling City Council meeting scheduled for November 24, 2022

Mayor Hair said that since the next scheduled City Council meeting would fall on Thanksgiving, he recommended the Council cancel that meeting.

Councilmember Callahan motioned to cancel the City Council meeting scheduled for November 24, 2022. Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

City Employee Winter Social Planning

It was decided that the winter social would be held on January 26, 2023, at 7 p.m. at the North Park pavilion with catered food. Mayor Hair asked Recorder Twedt to send out invites to the employees and ask them to RSVP so that we have a count for the food.

City Reports

Director of Public Works Kendrick said that most of the walkway for the new park was complete, and trees have been planted. He said that they are planning on installing the bridge next week.

Director Kendrick reported that someone had hit a sign near the North Park on 450 North and destroyed it. He will be ordering a new sign and working with the insurance company of the driver for payment.

Director Kendrick said that the roads had been a little slick this morning, so they had used a little bit of salt. He also reported that new bark had arrived for the playgrounds, and they will be working on that soon.

Councilmember Reports and Items for Future Agendas

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

Recorder Twedt reminded the Council of the upcoming hearing for the Cemetery District lawsuit on November 22nd at 10 a.m. He also said that the engineering design work for the 300 South COG project would be starting soon. He asked the Council what they would want for that road as far as curb and gutter and sidewalk. Mayor Hair said that he would like to consider the possibility of a future trail from that intersection, up 300 South and to the mouth of the canyon. The Council said that they would like a six-foot sidewalk on the Millville portion of this new road.

Adjournment

Councilmember Callahan moved to adjourn the meeting. Councilmember June seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. The meeting adjourned at 8:36 p.m.

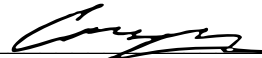
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, November 10, 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 – Mayor Hair
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – October 27, 2022
5. Agenda Items—
 - A. Public Comment Period (2 min/person)
 - B. Business License Request for BAXBO LLC at 695 W. 1700 S. Bldg. 8 – Shawn Baxter
 - C. Report on P&Z Meeting held November 3, 2022 – Development Coordinator Everton
 - D. Consideration of Resolution accepting the 105 West Subdivision (approximately 105 West 100 North) – Recorder Twedt
 - E. Consideration of Ordinance increasing pay rates for elected officials – Mayor Hair
 - F. Consideration of Acceptance of Millville Price Property Annexation Petition – Recorder Twedt
 - G. Review of new proposed code regulations for Accessory Dwelling Units (ADUs) and Short-Term Rentals – Recorder Twedt
 - H. Discussion on internal accessory dwelling utility fees – Mayor Hair
 - I. Review of 2022 Business Licenses for 2023 renewals – Recorder Twedt
 - J. Street light request for 600 East Center – Mayor Hair
 - K. Traffic concern on 300 East – Mayor Hair
 - L. Remaining unleased City-owned water shares – Recorder Twedt
 - M. Consideration for cancelling the City Council meeting scheduled for November 24, 2022 – Mayor Hair
 - N. City Employee Winter Social planning – Mayor Hair
 - O. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - P. Councilmember Reports and Other Items for Future Agendas
6. Adjournment.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Corey Twedt at (435) 881-2669 at least three days prior to the meeting.

This agenda was posted on November 9, 2022 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.


Corey Twedt, Recorder



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

Attachment "B"

CHECK APPLICABLE BOX

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

CHANGE OF:

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

Business License Application

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

License No. _____

Date Received _____

SECTION I: Business Information

Application Contact: Shawn Baxter Contact Ph: 801-361-5214

A. Business Name "DBA": BAXBO LLC

B. Business Location: 695 w. 1700 s. Building 8 Millville, UT 84326
Street Address (include unit #)

C. Mailing Address: PO Box 105 Wellsville, UT 84339 ☐ Same as "B. Business Location"
ATTN: _____ Street (include unit#)/PO Box address City, State, Zip

D. Local Business Ph: 801-361-5214 Fax: _____ www: strydergear.com

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

COMMERCIAL

Building/plaza: Zollinger Industrial Park

Is this a secondary use within an existing business location?

☐ Yes, in _____ ☒ No

Hours of Operation: 9-5

Type of Operation: (mark all that apply)

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

Previous use of location:

HOME BUSINESS

Please Note:

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

On-site employees? ☐ Yes ☐ No

If yes,

Up to how many? _____ Working hours? _____

Where will they park? _____

On-site customers? ☐ Yes ☐ No

If yes,

Up to how many per day? _____

Up to how many per week? _____

Where will they park? _____

On-site business will be performed from a:

(mark all that apply)

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

Do you intend to set-up off-site?

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

☐ Yes ☐ No

Proposed start date: _____

This Business Includes:

Yes No

- | | |
|--------------------------|---|
| ☐ | ☒ Signage |
| ☐ | ☒ 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 screen print apparel and heat press socks and patches to sell wholesale to retailers across the country.

SECTION IV: Additional Information

- E. Utah State Tax Commission — Sales Tax Number:** 13061179-004-STC ☐ 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: BAXBO LLC ☐ same as "A. Business Name DBA"State Entity Type: ☐ Sole Proprietorship ☐ Partnership ☒ LLC ☐ Corporation ☐ Non-Profit Corporation (w/501 c3 letter)**Officers (1)**Officer Name: SHAWN BAXTER Contact Ph. 801-361-5214Home Address: 2074 s. 5400 w. Mendon, UT 84325

Street (include unit #) / PO Box Address

City, State, ZIP

Sole Prop./Partnership☐ Owner
☐ Local Manager**LLC**☒ Member
☒ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☒ This person can be contacted in the event of an after-hours police or fire emergency.**Officers (2)**

Officer Name: _____ Contact Ph. _____

Home Address: _____

Street (include unit #) / PO Box Address

City, State, ZIP

Sole Prop./Partnership☐ Owner
☐ Local Manager**LLC**☐ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☐ This person can be contacted in the event of an after-hours police or fire emergency.**SECTION VI: Notification and Verification of Authority**

- 1) Mandatory review process** — this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:
- (i) the information provided on the application, and
 - (ii) review of the Mayor and City Council
- 2) Additional Requirements** — Under the Municipal Code, additional Business License application requirements are necessitated for some business types.
- 3) Denial of License** — Application denial or subsequent license suspension or revocation are most often the result of:
- (i) an inaccurate or incomplete application, or failure to update information with the City and/or
 - (ii) non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.
- 4) Other regulatory bodies** — It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.
- 5) Signage** — Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.
- 6) Building alterations** — All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

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


Signature of Owner/Authorized AgentShawn Baxter
Printed Name10-27-22
Date**SECTION VII: For administration use only****Classification:** ☐ Conforming ☐ Non-Conforming ☐ Child Care ☐ Home Business ☐ Low Impact ☐ Medium Impact**Conditional Use:** (If box is checked see conditions)☐ Agree ☐ Do not agree Signature: _____ Date: _____☐ Yes ☐ No City Council grants permission Signature: _____ Date: _____**FEES** ☐ \$25.00☐ EXEMPT**PAYMENT TYPE**☐ RECEIPT

**MILLVILLE CITY
RESOLUTION 2022-24**

**RESOLUTION TO ESTABLISH THE 105 WEST SUBDIVISION LOCATED AT
APPROXIMATELY 105 WEST 100 NORTH**

WHEREAS, a request to subdivide parcel 03-029-0025 into two parcels has been received; and

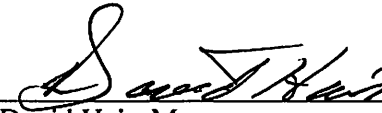
WHEREAS, the Planning Commission reviewed the request on November 3, 2022 and recommended the City Council approve this subdivision; and

WHEREAS, the City Council discussed and reviewed the request at the City Council Meeting held on November 10, 2022;

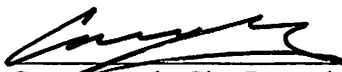
THEREFORE, BE IT RESOLVED that the City Council hereby accepts the 105 West Subdivision of two lots as proposed in drawings and documents submitted. These documents have been found to be in compliance with applicable Millville City Ordinances.

Passed and approved by the Millville City Council this 10th day of November 2022.

SIGNED:


David Hair, Mayor

ATTEST:


Corey Twedt, City Recorder



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

105 West Subdivision

Millville City, Cache County, Utah
A Part of the Northwest Quarter of Section 22,
Township 11 North, Range 1 East, Salt Lake Base & Meridian
October 2022

CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned, Frank J. Smith and Lisa Shaw, 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 105 West Subdivision is located in the Northwest Quarter of Section 22, 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 Northwest Quarter of Section 22, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, Also a Part of Lot 1 and Lot 2 of Block 18, Plat 'A' of the Millville Town Survey

Beginning of the Southwest Corner of said Lot 2 and RUNNING THENCE North 01°08'03" East (North 00°15'35" East by Record) 134.47 feet Along the West Line of said Lot 2; Thence South 89°48'27" East (South 89°50'30" East by Record) 193.82 feet; Thence South 01°04'03" East 60.13 feet (South 58.52 feet by Record); Thence South 89°47'58" East (East by Record) 50.00 feet; Thence South 82°10'20" East 86.72 feet (South 84°07'42" East 84.94 feet by Record); to the East Line of said Block 18; Thence Along the Perimeter of said Block 18 the Following Two (2) Courses: (1) South 01°08'03" West 64.39 feet (South 68.63 feet by Record); (2) North 89°48'27" West 329.94 feet (North 89°50'30" West 328.82 feet by Record) to the Point of Beginning. Containing 0.821 Acres and Two Lots, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.

Executed this 24 day of October, 2022

Frank J. Smith
Lisa Shaw

ACKNOWLEDGMENT

State of Utah
County of Cache

On this 24 day of October, 2022, Frank J. Smith and Lisa Shaw, of just and lawful persons, personally appeared before me, the undersigned Notary Public in and for said State and County, the signers of the attached Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public Signature
Diana L. Noriega

Notary Public Commissioned in Utah
(Her Name)

Commission Number Expires
722783 Feb 16, 2026

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 105 West Subdivision as laid out, plotted, dedicated, and shown herein, 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: 10/17/22

Clinton G. Hansen

No. 7881387

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 easements involving the necessary improvements for sanitary sewer systems, gas service, electrical service, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signage, and other improvements shall be financed by subdivision.
- 4- The Subdivision does not contain identified wetlands, flood plain, or other notable sensitive areas.
- 5- The subdivision's parcel number is 03-029-0025.

COUNTY RECORDER'S INFO

State of Utah, County Cache, Recorded and Filed of the Request of
Date _____ Time _____ Fee _____
Abstracted _____
Index _____
Filed in: File of Plats _____
County Recorder _____



- 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 3/8" by 24"
 - Rebar With Cap

VICINITY MAP



ADVANCED LAND SURVEYING INC.
2724 Research Park Way #20
Logan Utah 84301
(435) 754-0881 (435) 754-0885
www.advancedland.com

DOMINION ENERGY

Quester 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 acknowledgment of any terms contained in the plat, including those set forth in the owner's dedication or in the notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Utah's right-of-way department at 800-366-6532.

Approved by Dominion Energy, this 17 day of October, 2022, by Christi Beaudet Title De Construction

BEAR RIVER HEALTH DEPARTMENT APPROVAL

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

10/18/2022
Date

CERTIFICATE OF REVIEW

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

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-60(4)(c)(i) Rocky Mountain Power accepts delivery of the P.U.E. as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the Public Utility 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 86, damage to underground utility facilities or
- (4) any other provision of the law.

PLANNING AND ZONING APPROVAL

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

Attest: _____
City Engineer

CITY COUNCIL ACCEPTANCE AND APPROVAL

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

Attest: _____
Mayor

NARRATIVE

The purpose of this survey was to create a building lot as shown and described herein. The survey was ordered by Steve Walker. The control used to establish the property corners was the existing Cache County and Millville City survey monumentation around the Northwest Quarter of Section 22, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the North line of said Section 22, which bears North 89°50'35" West, Utah Coordinate System 1983 North Zone.

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 _____

**MILLVILLE CITY
ORDINANCE 2022-6**

AMMENDING MONTHLY PAY FOR ELECTED OFFICIAL

WHEREAS, all salaries of elected officials of Millville City have been established by ordinance; and

WHEREAS, changing conditions of those so elected require adjustments from time to time as determined by the City Council; and

WHEREAS, state law requires that such salaries be established by ordinance or that the salary schedules be established by ordinance;

THEREFORE, BE IT ORDAINED, that the City Council of Millville City amends City Code 2.12.030 as follows:

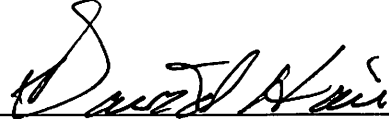
- REPEAL (A.1) - Mayor: Seven hundred dollars (\$700.00), effective July 1, 2015;
- ADOPT (A.1) – Mayor: Eight hundred dollars (\$800.00), effective Dec. 1, 2022;

This ordinance shall become effective on December 1, 2022.

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 10th day of November 2022.



MILLVILLE CITY


David Hair, Mayor

ATTEST:


Corey Twedt, City Recorder

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

POSTED: 11/11/22

MILLVILLE CITY CODE
TITLE 2 - ADMINISTRATION AND PERSONNEL
CHAPTER 2.12 - CITY OFFICERS GENERALLY

[2.12.010: DUTIES OF ALL OFFICERS:](#)

[2.12.020: AMOUNT OF BOND](#)

[2.12.030: MONTHLY SALARY SCHEDULE FOR APPOINTED AND ELECTED OFFICIALS](#)

[2.12.040: COMPENSATION LIMITED FOR SEVERAL POSITIONS](#)

[2.12.050: EXPENSES](#)

2.12.010: DUTIES OF ALL OFFICERS:

It is the duty of all officers of the municipality to:

- A. Deliver to their successor within one week after the change of office all records, documents and property which belong to the municipality;
- B. Deliver to the treasurer within one week after receipt of such funds all funds of the municipality which the officer receives;
- C. Sign within a reasonable time all papers, documents and records received by him or her which require his or her signature;
- D. Perform all duties imposed on him or her by virtue of the office held;
- E. Give receipts on forms provided by the recorder for all sums of money received, collected or paid them or their assistants. (Prior code § 3-631)

2.12.020: AMOUNT OF BOND

- A. Before taking the oath of office and entering on the duties of their respective office, municipal officials shall each give a bond or theft or crime insurance with good and sufficient securities, payable to the municipality conditioned for the faithful performance

of the duties of their office and the payment of all monies received by such officers according to law and the ordinance of this municipality in the amounts required and set forth by Utah State Code.

- B. The treasurer's bond or theft or crime insurance shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.
- C. The premium charged by any corporate surety for any bond or theft or crime insurance required in this section shall be paid by this municipality.
- D. The bond or theft or crime insurance required in this section may be a blanket bond or theft or crime insurance. (Ord. 2019-3, 2019: Prior code § 3-521)

2.12.030: MONTHLY SALARY SCHEDULE FOR APPOINTED AND ELECTED OFFICIALS

- A.
 - 1. Mayor: Eight hundred dollars (\$800.00), effective December 1, 2022;
 - 2. Council members: Three hundred dollars (\$300.00), effective July 1, 2015;
 - 3. Recorder: At an hourly rate as set by ordinance or resolution of the City Council;
 - 4. Treasurer: At an hourly rate as set by ordinance or resolution of the City Council;
- B. Members of the planning and zoning commission shall receive twenty five dollars (\$25.00) per complete planning and zoning meeting attended;
- C. In addition to the monthly salary paid to the mayor, recorder/auditor and treasurer of this municipality, they shall receive ten dollars (\$10.00) per city council meeting that they attend.
- D. In addition to the monthly salary paid the officers and employees of this municipality, they shall receive the following benefits:
 - 1. The employees' share of the social security tax;

2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the governing body may from time to time establish by resolution;
3. Vacation and sick leave on such basis as the governing body may from time to time establish by resolution;
4. Participation in the Utah state retirement program on such basis as the governing body may from time to time establish by resolution. (Ord. 2022-6, 2022: Ord. 2019-7, 2019: Ord. 2019-3, 2019: Ord. 2015-3, 2015: Ord. 2007-8, 2007: Ord. 2007-5, 2007: Ord. 2002-3, 2002: Ord. 2001-3 § 1, 2001: Ord. 98-03-05 § 1: Ord. 96-002 § 1: prior code § 3-552)

2.12.040: COMPENSATION LIMITED FOR SEVERAL POSITIONS

Whenever any person serves in two (2) or more positions either as officers or employees of this municipality, unless otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount. (Prior code § 3-553)

2.12.050: EXPENSES

In addition to all other compensation or salaries any officer or employee of this municipality may receive, following the submission to the recorder of a claim, travel expenses and per diem to be reimbursed in an amount not to exceed the rates and per diem established by the Utah state department of finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body. (Prior code § 3-554)

**MILLVILLE CITY
RESOLUTION 2022-25**

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

WHEREAS, on November 8, 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 10th day of November, 2022.



BY:


David Hair, Mayor

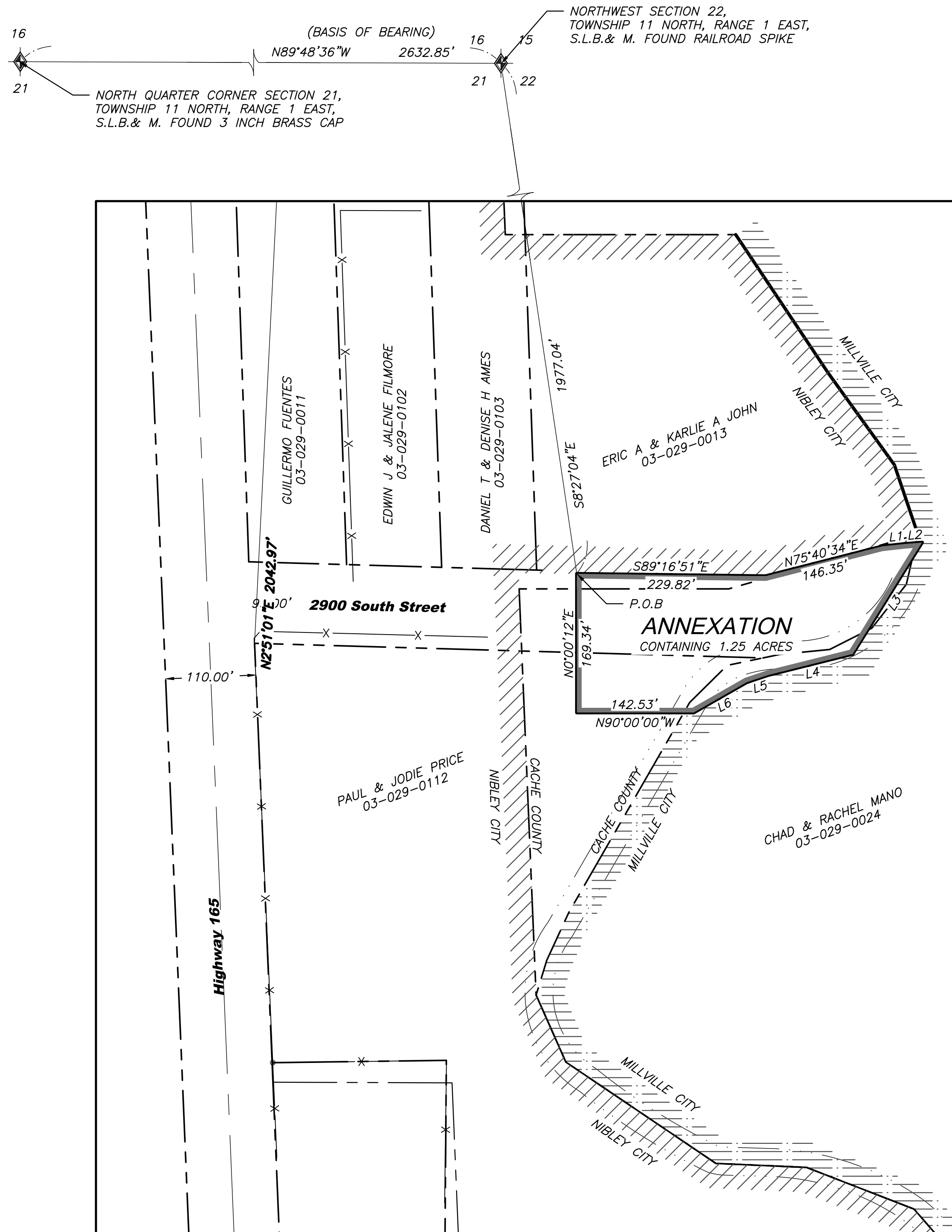
ATTEST:


Corey Twedt, City Recorder

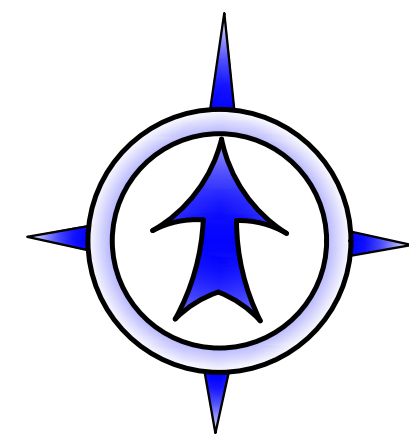
COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan	X			
Pamela June	X			
Ryan Zollinger	X			
Clay G. Wilker			X	
Daniel Grange	X			

PRICE ANNEXATION
TO
THE CITY OF MILLVILLE

A PART OF THE NORTHWEST QUARTER OF SECTION 22 TOWNSHIP 11 NORTH, RANGE 1 EAST OF
THE S.L.B. & M.



Parcel Line Table		
Line #	Length	Direction
L1	27.12	N83° 45' 43"E
L2	22.15	N85° 25' 00"E
L3	160.25	S31° 52' 52"W
L4	106.27	S75° 57' 51"W
L5	27.18	S71° 30' 54"W
L6	74.41	S60° 15' 33"W



May 17, 2022

GRAPHIC SCALE

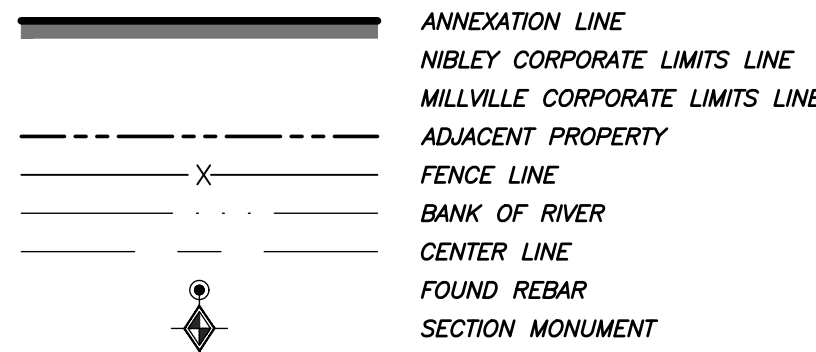


(IN FEET)
1 inch = 100 ft.



Vicinity Map

LEGEND:



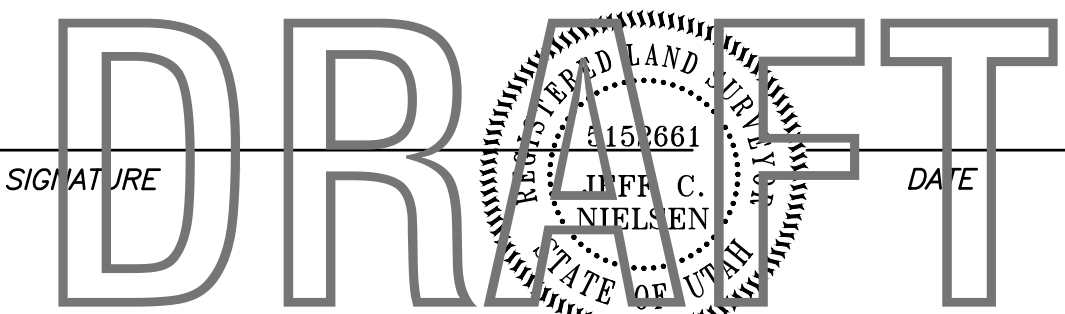
ANNEXATION PLAT

SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO THE CITY OF MILLVILLE, CACHE COUNTY, UTAH.

Annexation Boundary

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE NIBLEY CITY CORPORATE LIMITS LINE, POINT LOCATED SOUTH 08°27'04" EAST, A DISTANCE OF 1,977.04 FEET FROM THE RAIL ROAD SPIKE MONUMENTING THE NORTHWEST CORNER OF SAID SECTION 22 FROM WHICH THE BRASS CAP MONUMENTING THE NORTH QUARTER CORNER OF SECTION 21 BEARS NORTH 89°48'36" WEST, A DISTANCE OF 2,632.85 FEET; THENCE RUNNING ALONG SAID CORPORATE LIMITS LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 89°16'51" EAST, A DISTANCE OF 229.82 FEET; (2) NORTH 75°40'34" EAST, A DISTANCE OF 146.35 FEET; (3) NORTH 83°45'43" EAST, A DISTANCE OF 27.12 FEET; (4) NORTH 85°25'00" EAST, A DISTANCE OF 22.15 FEET TO THE MILLVILLE CITY CORPORATE LIMITS LINE; THENCE RUNNING ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 31°52'52" WEST, A DISTANCE OF 160.25 FEET; (2) SOUTH 75°57'51" WEST, A DISTANCE OF 106.27 FEET; (3) SOUTH 71°30'54" WEST, A DISTANCE OF 27.18 FEET; (4) SOUTH 60°15'33" WEST, A DISTANCE OF 74.41 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 142.53 FEET; THENCE NORTH 00°00'12" EAST, A DISTANCE OF 169.34 FEET TO THE POINT OF BEGINNING. CONTAINING 1.26 ACRES



FORESIGHT
LAND SURVEYING

2005 North 600 West, Logan, Utah
435-753-1910

20-005 Annexation.dwg

Preparation Date: 5/17/22

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE MILLVILLE CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF MILLVILLE, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (1953) 10-3-1 AS REVISED, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS PART OF SAID CITY.

APPROVED: _____ MAYOR

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

RECORDER

COUNTY SURVEYOR'S CERTIFICATE OF APPROVAL

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE _____ DEPUTY CACHE COUNTY SURVEYOR

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED

AT THE REQUEST OF: _____

DATE: _____ TIME: _____ FEE: _____

ABSTRACTED _____

INDEX _____
FILED IN: FILE OF PLATS COUNTY RECORDER



AGENDA REPORT: ADUs and SHORT-TERM RENTALS

November 10, 2022

Background

For the last couple of years, several concerns have been raised regarding deficiencies in the Millville City Code regarding regulation for accessory dwelling units (ADUs) and short-term rentals. A joint work session with the City Council and Planning Commission was held on August 25, 2022 to begin to explore possible code updates to address these concerns.

Following that meeting, the Planning Commission took the initial drafts of code and had review meetings in which proposed edits were made. The Planning Commission is recommending the City Council adopt the proposed code changes.

As these new chapters would be added to City Code Title 17, the Planning Commission would need to hold public hearings before final adoption by the City Council.

At this meeting, the City Council will review the proposed changes and make suggested edits before the final ordinances and new, clean code are prepared and go back to Planning and Zoning for public hearings.

No motions to accept any code changes will be done at this meeting.

Included Documents

- Draft of possible code Chapter 17.46 – Accessory Dwelling Units with redline updates from P&Z
- Draft of possible code Chapter 17.50 – Short-Term Rentals with redline updates from P&Z
- Minutes from 8/25/22 Work Session Meeting
- Minutes from 11/11/21 and 12/9/21 when short-term rentals were discussed with Coby Price along with the research he provided.

**MILLVILLE CITY
CODE TITLE 17 -
ZONING
CHAPTER 17.46 - ACCESSORY DWELLING UNITS**

[17.46.010: DEFINITIONS](#)

[17.46.020: REGULATIONS](#)

[17.46.030: RENTAL PROVISIONS](#)

[17.46.040: LEGALIZING ACCESSORY DWELLING UNITS](#)

[17.46.050: PENALTY](#)

17.46.010: DEFINITIONS

“Accessory Dwelling Unit (ADU)” is a second residential dwelling on the same lot or parcel as the primary residence. An ADU may be detached or inside the primary residence.

“External Accessory Dwelling Unit (EADU)” is a second residential dwelling unit which is a self-contained dwelling unit located in a detached building on the same lot or parcel as a single family residence.

“Internal Accessory Dwelling Unit (IADU)” is a second residential dwelling unit which is a self-contained dwelling unit located within the footprint of a single family residence.
(Ord. 2022-?, 2022)

17.46.020: REGULATIONS

- A. An ADU shall comply with all applicable building, health, and fire codes.
- B. The owner of the property shall occupy either the ADU or the primary dwelling where

the ADU is located as their place of primary residence

- C. Occupancy of any ADU shall be limited to a single family as defined by Millville City Code.
- D. A minimum of two (2) extra parking spaces ~~beyond the parking required for the primary dwelling~~ shall be provided on a property where an ADU is proposed. ~~These~~^{This} parking spaces can not be on a City street or the City right-of-way.
 - 1. Any parking spaces displaced by the construction of an ADU (i.e. parking within a garage or carport displaced after the construction of an ADU within the garage or carport) shall be replaced to meet the requirement above.
 - 2. Parking surfaces shall be constructed of a hard surface, such as concrete, ~~or~~ asphalt, or gravel.
- E. An ADU shall maintain the same ~~physical~~ address as the primary dwelling.
- F. An ADU shall not operate on separate utility meters from the primary dwelling.
- G. The owner of a property with an ADU shall be charged the base rate for all utilities in accordance with the Millville City Fee Schedule for the ADU in addition to the utility fees for the primary residence.
- H. Accessory dwelling units shall be subject to impact fees in accordance with the Millville City Impact Fee Schedule.
- I. A maximum of one ADU is permitted per parcel.
- J. The total area of an EADU shall be less than fifty percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet.
- K. New EADUs are subject to the same ordinances that apply to the principal dwelling unit as far as zoning, height restrictions and setbacks.
- L. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. An EADU shall be of substantially similar architectural features with respect to roof pitch, building materials, colors and design details of the primary dwelling unit.
- N. EADUs are limited to twenty-five percent (25%) of the rear lot area. EADUs shall not be located in front of the primary dwelling unit.

- O. An ADU shall not be permitted within a mobile home or within the property area of a mobile home. (Ord. 2022-?, 2022)
- P. An ADU shall have a permanent foundation and not exceed one story above ground.

17.46.030: RENTAL PROVISIONS

- A. An owner of an ADU shall first obtain a valid permit for the purpose of renting from Millville City, and will not be made available to rent without that permit. ~~the owner of the property on which the ADU is located first obtaining a valid permit for the purpose of renting an ADU from Millville City.¶~~
- B. An ADU shall not be made available for use as a short-term rental (any rental occupancy for a period of less than 30 consecutive days) unless all requirements are met in Chapter 17.50- Short-term Rental Housing.:
- C. An ADU shall not be made available to rent where the owner does not reside within a ~~the primary~~ dwelling unit on the property. (Ord. 2022-?, 2022)

17.46.040: LEGALIZING ACCESSORY DWELLING UNITS

Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within twelve (12) months of the adoption of these regulations. (Ord. 2022-?, 2022)

17.46.050: PENALTY

In addition to applicable remedies for correction of non-compliance found in Millville City and Utah State Code, Millville City may hold a lien of up to \$100 per day against a property that contains an ADU if the ADU is in violation of any of the provisions of Utah Code 10-9a-530 or of any provisions of Millville City Code. The lien shall be removed after the violations are resolved. (Ord. 2022-?, 2022)

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.50 - SHORT-TERM RENTAL HOUSING

[17.50.010: DEFINITION](#)

[17.50.020: LICENSE REQUIRED](#)

[17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS](#)

[17.50.040: REGULATIONS](#)

17.50.010: DEFINITION

"Short-Term Rental" is the use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multi-household occupancy or of any other residential property for an effective term of thirty (30) consecutive calendar days or less. (Ord. 2022-?, 2022)

17.50.020: LICENSE REQUIRED

- A. **Short-term rental housing owner must reside in Millville City.**
- B. It is unlawful for any person or firm to keep, conduct, operate or maintain a short-term rental within the City without a business license.
- C. A business license for a short-term rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any short-term rental. Such notice of transferred interest shall include the name, address and information regarding the person(s) or entity succeeding to the ownership of control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase as required by this chapter.

D. Each business license application for a short-term rental shall include the following information:

1. Maximum occupancy of the short-term rental.
2. Number of bedrooms within the home and number of bedrooms that the short-term rental will occupy ~~if the short-term rental is within the residents home:~~
3. ~~A copy of the Utah State tax license number for remittance of transient lodging taxes.~~
4. The name and contact information of the owner and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.
5. ~~A site plan which shows off street and off right-of-way parking areas in relation to the home and parking for the primary residence which meets the requirements of this chapter. (Ord. 2022-?, 2022)~~

~~17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT TERM RENTALS~~

~~The total number of short-term rental business licenses shall be limited in accordance with the following:~~

~~¶~~

- ~~A. The maximum number of short-term rental licenses issued citywide shall be proportionate to the total population of the City and is limited to four (4) licenses for every one thousand (1,000) of total population.~~

~~¶~~

- ~~B. The total number of licenses available each year shall be re-calculated based on the City's most current population as of July 1st using the American Community Survey (ACS) data, U.S. Census data, or official State of Utah population numbers.~~

~~¶~~

- ~~C. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have thirty (30) days from the date of such notice to file an updated and complete application, pay the filing fee, and sixty (60) days to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within thirty (30) days or fails to complete the licensing process~~

~~within sixty (60) days, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.¶~~

~~D. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within thirty (30) days of the date of purchase. In the event that the purchaser or transferee fails to apply for a new license within said thirty (30) days, the license will be forfeited, and the owner must reapply for any available license or be placed on the waiting list. (Ord. 2022-?, 2022)¶~~

17.50.040: REGULATIONS

- A. Short-term rentals are only allowed within a permanent, residential structure. Short term rental of accessory structures or spaces for camping, within recreational vehicles, or other locations outside of a permanent residential structure shall not be permitted.
- B. Only one Short-term rental shall be allowed for each property.
- C. Off-street and off-right-of-way parking shall be provided at the following rates, based upon occupancy limitation of the short-term rental:

Maximum occupants	Minimum parking stalls
1-4	1
5-8	2
9-12	3
13-16	4
17-20	5
Above 20	Commensurate with the rates listed above

For short-term rentals, which are incidental to a permanent residence, this parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete, asphalt, or gravel.

- D. Each host of a short-term rental shall inform short-term rental tenants about Millville City Code noise, parking and other applicable City ordinances. The record owner of the property shall be held responsible for any nuisance or noise violations at the short-term rental location. Two or more violations within the previous twelve-month period may be grounds for denial or revocation of a business license. (Ord. 2022-?, 2022)

MILLVILLE CITY WORK SESSION
City Hall – 510 East 300 South – Millville, Utah
August 25, 2022

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Corey Twedt, Kara Everton, Darcy Ripplinger, Garrett Greenhalgh, Bonnie Farmer, Lynnette Dickey, Larry Lewis, Matt Anderson, Rachel Thompson, MaryJo Davis, Marjorie Davis

Opening

Mayor David Hair called opened the work session for August 25, 2022 at 6:00 p.m. He then offered a word of prayer. Councilmember Callahan spoke briefly about having recently lost a friend who had been a military veteran. He asked everyone present to keep in mind those people that are out serving in the military right now.

Short-Term Rentals

Commissioner Farmer asked where the draft code that was provided had come from. Recorder Twedt said that he reviewed code from several other cities and put together this draft as a starting point for this discussion. He said he took what he thought were the better parts from other cities.

Commissioner Ripplinger said that she liked the idea of limiting the numbers of short-term rentals based on the population of the City. Councilmember Zollinger asked how this would be enforced. It was discussed that if the City requires a business license to run a short-term rental, they would be able to keep track of the numbers and add limitations if desired.

Councilmember Zollinger questioned if this type of regulation was necessary in Millville since we are not like Park City where lots of people are coming in and purchasing homes for short-term rentals.

Commissioner Lewis said he has a short-term rental in Millville that results in approximately one third of his income. He doesn't think there should be limitations on the number of rentals in Millville.

Recorder Twedt suggested that before they get down in the details too much, they should start by determining if they want to regulate short-term rentals at all. That is the first question that should be answered.

Commissioner Chairman Greenhalgh said that if the City doesn't have any regulations at all, we can't do anything if there is a problem. He said that he thinks that there probably should be some limit, but that he isn't sure what the number should be. He said that he did think the City should require a business license so that we are aware what is happening and

how many we have in the City. Commissioner Lewis said that he agreed that a business license should be required.

The idea was discussed of requiring that owners of a short-term rentals in Millville be current Millville residents. Mayor Hair said that he liked this idea. He said that if someone didn't live in Millville, they would have less of a desire to take care of their property and their rental.

Councilmember Zollinger said that short-term rentals have a review process that makes an owner take care of their property if they are to be successful.

Councilmember Callahan said that the City needed to have a way to enforce the code for short-term rentals, if they were going to adopt it. Mayor Hair said that the requirement for a business license would help with that. Councilmember Callahan said that he thought it would be good to have code regulating short-term rentals so that there would be something in place that the Council could actually enforce. He asked that the code not be too long or cumbersome.

The consensus of the members of the Planning Commission was that they were generally in favor of having code in place that would regulate short-term rentals. Councilmember Zollinger said that he was not sure he was in favor of adding this new code. He said that he doesn't see a reason or need to regulate short-term rentals.

Commissioner Greenhalgh said that he feels the City is often behind with our code and trying to catch up after problems are already happening. He said that he thought the City needed to have at least something simple in place that can be enforced.

Councilmembers Zollinger and Grange said that they both thought it would be okay to adopt some new code if it were simple.

After all of the discussion, the general consensus vocalized was to not put a limit on the numbers of short-term rentals permitted in the City. There was not a consensus on whether or not a business license should be required.

Accessory Dwelling Units (ADU)

Commissioner Lewis pointed out that a duplex requires a half-acre, but that you could just rent out a portion of your home and do so on a third acre. He said he did not think this was fair for people wanting to build a duplex. Mayor Hair said that the size requirement of a duplex lot was because of the larger septic tank requirement. Mayor Hair said that this could potentially change. Especially with sewer coming. Councilmember Zollinger agreed that the code for duplexes should probably be looked at and modified.

Commissioner Greenhalgh said that he was conflicted. He said that he didn't really want to see exterior ADUs popping up, but that he could see the value in them and potentially see himself adding an exterior ADU at his home in the future.

MaryJo Davis asked about people living in camp trailers in driveways or yards. The Council said that this was not permitted by City code now, nor would it be if the proposed new code was adopted.

Commissioner Dickey said that she felt a fire inspection should be required for an ADU.

Mayor Hair pointed out that it didn't seem like there was a lot of interest in allowing external ADUs and maybe the Planning Commission should just focus on the code that would regulate internal ADUs.

Councilmember Zollinger said that Millville had some external ADUs in the City now. He asked if they were currently a problem. Commissioner Thompson said that the Planning Commission has been telling people that they are not permitted, so there are not many. Commissioner Greenhalgh said that he agreed that there are not very many currently, because they are not permitted by the code.

Councilmember Zollinger said that affordable housing is a real problem and that he was also in favor of private property rights.

Commissioner Greenhalgh said that he would like some direction from the City Council so that the Planning Commission focused on the right things. He asked if the City Council was in favor of external ADUs. The responses were mixed with no real consensus.

Mayor Hair said that one other thing that the Council needs to consider again is the utility rates being charged to those that have an apartment or internal ADU in their homes. Currently, the City is charging the base utility rates for the rental unit in addition to the main home. Mayor Hair said that he thinks the rate should be based on the percentage of the home used by the rental unit. Councilmember Grange said that he felt the impact on the City is not dependent on the size of the home or the rental. (A copy of the agenda packet material is included as Attachment "A".)

Adjournment

The meeting adjourned at 6:53 p.m.

Short-Term Rentals

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

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

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

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

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

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

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

River Hawk Subdivision

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

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

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

Short-Term Rentals

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

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

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

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

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

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

South Park Pavement Middle Section

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

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

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

City Reports

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

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

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

TO: Millville City Council

FROM: Coby Price

DATE: November 29, 2021

RE: Short-term rental legal summary

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

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

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

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

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



The Salt Lake Tribune

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

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



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



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

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

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

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

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

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

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

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

Department of Community and Neighborhoods.

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

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

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

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

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

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

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



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

Some Utah local cities have tried to manage the situation.

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

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

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

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

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

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

If all of this seems absurd, I agree.





AGENDA REPORT: INTERNAL ACCESSORY DWELLING FEES

Sept. 22, 2022

Background

As discussed in the Work Session meeting held August 25, 2022, the State refers to basement apartments, mother-in-law suites, etc. as Internal Accessory Dwelling Units (IADUs). To be consistent with that, we will attempt to use the same language here.

Linn Stuebner has come to a couple of City Council meetings stating that she feels the rates charged by the City for an IADU are excessive. Sam Swasey brought up similar concerns in the City Council meeting held on January 28, 2021. The Council at that time reviewed his concerns and decided to continue to charge the utility rates for IADUs as established by City resolution.

At the City Council meeting held on September 22, 2022, the fee structure was briefly reviewed and following that meeting, Linn Stuebner submitted a proposal of what she thinks the City utility fees should be for an apartment (IADU).

In conjunction with the review and potential future implementation on code addressing ADUs and Short-Term Rentals, the Council should review how they want to address utility fees.

Included documents

- CC Minutes from 1/14/21 when rates for IADUs were clarified and new resolution adopted
- Resolution 2021-3
- CC Minutes from 1/28/21 when this was reviewed again by request from Sam Swasey
- Proposal provided by Linn Stuebner
- CC Minutes from 9/22/22

home businesses. Some are very low impact and others are higher impact and have customers. Everyone has private property rights and are allowed to do a lot of things on their own property. He asked if there might be things that the Nielsens could do to address specifics issues that most bothered the Munsons. For example, he said that maybe appointments could be taken to reduce the parking issues. Councilmember Wilker said that he would hope that there would be room for some compromise from both sides. He said that he liked the idea of the attorney being the arbitrator between the two parties. Councilmember Wilker said that he didn't sense that this Council was going to go and tell Craig to shut down his business.

Councilmember Zollinger said that he couldn't think of a solution that would work for everyone. He said that he felt like there was a lot of tension between the Munsons and Nielsens. Councilmember Zollinger said that at the last meeting, Brian had said that the biggest issue had been the filtration. At that meeting, the Council had asked that the two parties try and come together to find their own solutions. Councilmember Zollinger said that if there is still a concern about the filtration, he would encourage the Munsons to address this with the regulatory agency managed by the State. Councilmember Zollinger said that he was sympathetic, but didn't have a lot of ideas for solutions. He said that he also felt that the attorney mediator might be helpful. Councilmember Zollinger said that he felt the Munsons would be unhappy with anything short of the business being closed down, but that he didn't think this Council would be willing to do that.

Beth Munson asked if they should meet with the State Property Ombudsman. Councilmember Zollinger said that this was an option that was open to them. Beth said that as things had been addressed with the City and Stellar Auto in the past, the Nielsens go right back to doing what they were doing. She said that she has even seen Craig welding in the street at times.

Mayor Hair said that the Council had made their decision and that they now needed to move on. Brian said that he doesn't think the Council sees this as a health issue the way that the Munsons do.

(The information from the staff report as well as the letter provided by attorney Chris Daines is included with the minutes as Attachment "I".)

Consideration of a Resolution Setting Fees for Multi-Family Dwellings

Recorder Twedt reviewed a draft of a resolution that would clarify the monthly fees for homes that have rentals separate from the main residence using a single water meter. He explained, as was indicated in the staff report, that the City needed a resolution to clarify things. This proposed resolution would charge the base water rate and basic fees for each additional rental.

Mayor Hair said that he felt this should be applied to vacation rentals as well. Recorder Twedt said that there are some differences in his mind. For example, if he were to leave and rent out his home, there wouldn't be much of a change. Mayor Hair said that he

agreed, but that there were people in Millville that have vacation rentals where they are renting out a portion of their home. This is very similar to homes that have an apartment. Recorder Twedt said that he didn't disagree, but enforcement gets more difficult. The City would likely need to deal with vacation rentals more in the future.

Councilmember Wilker said that it made sense to him to charge the base rates for apartment rentals in the City. The rest of the Council agreed that this made sense.

Councilmember Zollinger asked Treasurer Hobbs how she has been determining what should be charged. She said that when water rates recently increased by \$10/month, she increased the rates of the apartments \$10 as well. Apartments were paying a base rate of \$18 and she increased it to \$28. Recorder Twedt said that this was a bit of an arbitrary number and pointed out that rate adjustments cannot be made without a resolution. Councilmember Zollinger agreed.

Mayor Hair said that this came to his attention when Sam Swasey approached him. For his apartments, he was billed \$38 for water. Based on Tara's logic, it should have been \$28, but there were no resolutions to back up this rate.

Councilmember June confirmed that code didn't allow for a home with more than one apartment. Mayor Hair said that Mr. Swasey was permitted to have the additional apartment by the Council at that time.

Councilmember Wilker pointed out that even though there was less infrastructure, the people in the apartments were getting the same benefits and services as the rest of the residents in the City and he couldn't see any reason why they should pay less. Councilmember Callahan agreed that apartments should be charged the same.

Councilmember Callahan moved to approve Resolution 2021-3. Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The approved resolution is included with the minutes as Attachment "J".)

Dog License Fees

Former Development Coordinator Randy Wall said that some dog licenses are not being paid. The rates double over time, but there are still some that are not being paid. He said that currently there are approximately eight for which the City has not been able to collect payment. The highest of these is now over one hundred dollars and is over three years past due.

Councilmember Zollinger asked if calls have been made or if the City has just sent out renewal notices. Coordinator Wall said that calls have not been made. Mayor Hair asked that calls be made to those that have not been paying.

**MILLVILLE CITY
RESOLUTION 2021-3**

MONTHLY FEES FOR MULTI-FAMILY DWELLINGS AND APARTMENTS

WHEREAS, Millville City Code allows for multi-family dwellings and/or rentals in Millville City under certain circumstances; and

WHEREAS, it is not clear what fees are required for residences with an apartment or separate dwelling on the same lot;

NOW THEREFORE, be it resolved that the Millville City Council adopts the following:

A main residence will be charged the following monthly fees – as set by resolution - for each dwelling or rental on a property, in addition to the main residence:

- Water Base Rate
- 911 Service Fee
- Sewer Fee/Base Rate
- Storm Water Fee
- Ambulance & EMS Fee

Approved and passed by the Millville City Council this 14th day of January 2021.

SIGNED:

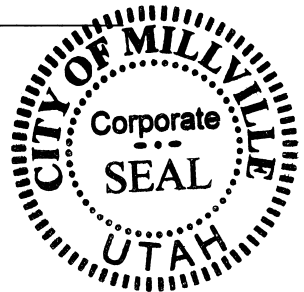


David Hair, Mayor

ATTEST:



Corey Twedt, City Recorder



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

purposes of the park, but that he felt they could allow it for now and see how it goes. The rest of the Council agreed to allow it for now and keep an eye on it.

Water Rate Charges for Apartments

Sam Swasey said that years ago, the Council worked with the homeowners that had apartments to make things work. With the new resolution, each apartment is required to pay the base water rate which is currently \$38 per month. Sam said that with his rentals, this is a big charge. He said that he feels they are paying the fees for nothing as in the past, the water rates were structured so that you would get a minimum amount of water included with the base rate. Now, you pay the base rate and then pay for usage. Treasurer Hobbs said that this change was made in 1997.

Councilmember Grange said that Sam is charging his tenants rent and that he should be passing along the utility fees to his tenants. Sam said that he thinks that his tenants should be getting something for paying the base rate fee and he doesn't feel like they get anything. Councilmembers Grange and Wilker said that with that fee, they are getting water.

Mayor Hair said that with the new resolution, anyone renting out a portion of their home should be paying the utility fees. This would be different if you have a family member in a home "apartment", but they are not paying rent. In that case, they shouldn't have to pay the utility fees.

Councilmember Zollinger asked Sam Swasey what he recommended be changed. Councilmember Zollinger explained that water is getting more expensive for the City and that everyone living in the City, including those that live in an apartment, should pay their share of the costs for the water they use. It wouldn't be fair for the single-family homes in the City to cover the costs of the people that are renting. Councilmember Zollinger said that the Council believes that a renter should bear some of the costs of the water system and all of the required infrastructure.

Sam said that the rate had recently been only \$18 per month and had now gone up significantly to the \$38 per month. Councilmember Zollinger said that the rate was now clear and that renters should pay the same fees as the rest of the people in the City.

Report on P & Z Meeting held January 21, 2021

Councilmember June reviewed with the Council the Planning Commission's draft minutes for the meeting held January 21, 2021. She said that zoning clearance had been granted for a new warehouse that would house goods for a large online retailer. Sidewalks were also briefly discussed. The Planning Commission had prepared a map of the City where they believe sidewalks should be added when development occurs. Recorder Twedt said that this would be on a City Council agenda at some point in the future.

Dear Counsel Members,

I was asked by Councilman Zollinger if I had a proposal at the City Counsel Meeting September 22, 2022 with regards to a change in fees for a basement apartment. I have given consideration to this question and propose the following:

A **basement apartment (a part of the main home)** uses the same water line, gas line and sewer line. A home with basement renters typically uses no more of these lines than the neighbor next door. They also typically have no more cars using the street than their neighbors. During the summer months, the water usage is greater than during the other months due to outside lawn and plant watering but I found that my water bill was consistently between \$39.00 - \$41.00 per month during the remainder of the year **with or without renters.**

A comment was made by another Counsel Member that a basement apartment is using the home to make money. Yes it is, however so is any home business. Home businesses are permitted in the City of Millville with a license fee of \$25 per year regardless of the income generated and regardless of the number of people in the residence.

I would suggest that a home business such as a bookkeeping business, photography, technical business, etc all make far more on their "home business" than a basement rental does. There is a good percentage of residents that now work remotely from home, again making considerably more money, **using their home** as an office, then a basement apartment income generates.

Another councilman shared concerns about dozens of people living in a "basement apartment". For most of renting our basements, we want our home to maintain its value and are very careful who we rent to. Yes, we need the income, but at the same time we do not want our property mistreated.

As to additional fees for garbage, this is based on the number of trash cans used at the residence, Fees for 911, sewer, storm water, Amp & EMS etc are not doubled for a neighbor with a family of 5,6,7 etc, nor are they added to a home based business fee.

I propose that a basement apartment be treated as a simple home business relative to the fee. Millville City has a business license fee of \$25 per year as their standard.

Thank you for your consideration,
Sincerely Linn Stuebner

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.

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 charging 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.



AGENDA REPORT: BUSINESS LICENSES REVIEW

November 10, 2022

Background

In December, renewal notifications will be sent to existing businesses. The City Council reviews business licenses yearly to note any concerns or problems resulting from business activities and to potentially restrict issuing renewals if they think there is a problem.

Please review the list of 2022 (current) business licenses and discuss any concerns or issues prior to renewal letters and instructions being sent out for 2023 business licenses.

Included Documents

- 2022 List of Active Business Licenses

2022 ACTIVE BUSINESS LICENSES

ISSUED TO	BUSINESS NAME	BUSINESS ADDRESS LN 1	Number	Home Fee Exemption
Chasity Tucker	Tucker Fitness	765 E. 1950 S. Bldg 22, Ste 102	2401	No
Corey Twedt	Twedt Consulting	181 East 550 North	2402	Yes
Laura Jardine	Lemon Tree Interior Design	280 East 300 North	2404	Yes
Guy Curtis	Crossroads Traffic Management	385 North 200 East	2408	Yes
Joan A. Findlay	J.A.F. Drafting, Inc.	249 East Center	2409	No
DeAnn Blanchard	Suspended in Time by DeDee	390 South 100 West	2412	No
Lindsay Monson	Professionails	250 South 300 East	2416	No
Donald Lewis	Don's Quality Tile, Inc.	124 East 100 North	2419	Yes
Bart Esplin	Rockin' Bee Honey	20 West 300 South	2421	Yes
Colter Wilker	Black Canyon Excavation	117 West 400 North	2422	Yes
Craig Nielson	Stellar Collision Repair	380 North 200 East	2429	No
Jason Low	Saddlerock Remodel and Repair	159 East 500 North	2431	No
Michael Coppin	1i4 Group LLC	1000 N 1000 W Bldg 29, Ste 109	2441	No
John or Kris Blankman	Rapid Fire Protection Inc.	1000 W 1000 N Bldg 29, Ste 100	2450	No
Dixie Loveless	Mountain Peak Volleyball	725 West 1940 South	2459	No
Jason Leishman	Legacy Concrete	165 East 100 South	2460	No
Ginger Meadows	Meadows Services, LLC	410 North 300 East	2475	Yes
Fred Lowry	Lowry and Associates, Inc.	10 West 300 South	2477	No
Mitch Zilles	MR Zilles Transportation	273 North Main	2481	Yes
Ken Hamilton or Daphne Carlson	Bio Minerals Technologies, Inc.	400 South 100 West	2494	No
Paul Hair	Triple PPP Inc.	180 West Center Street	2495	No
Micheal J. Wyatt	Mike's Busted Knuckle Repair, LLC	180 East 200 North	2500	No
Rodney Tripp	Ultralight Adventure Products	695 W 1700 S Bldg 28, Ste 102	2501	No
Mike Gibbons	M Gibbons	140 North 300 East	2522	Yes
Trevor Booth	Epic Breakroom Solutions LLC	695 W. 1700 S. Bldg 28, Ste 107	2423	No
R Greg Patterson	Bowls & Stuff	225 N. 350 E.	2435	Yes
Mark Bodily	Curb Appeal Garage Doors	160 West 200 North	2437	No
Kyle Hancey	Hancey's Precast and Backhoe	15 South 550 East	2444	No
Matthew Anderson	Anderson Auto	340 North Main	2446	No
Cathy Anderson	Don's Auto Body	340 North Main	2447	No
Sam Weston	Classic & Antique Auto Restoration	270 South Main	2448	No
Justin Hamilton	Red Poppy Rentals	695 West 1700 South Bldg 28 #111	2519	No
Joel Duffin	Atomic Jolt Inc.	460 North 150 East	2453	Yes
Trevor Booth	Emerald Cliffs LLC	765 W 1700 S Bldg 22 #105	2480	No
Mike Hansen	Xtreme Machine - Peace Frog	98 West 300 South	2425	No
Cole Knighton	Knighton Construction, LLC	371 North 100 East	2497	No
Jason Dattage	Dattage Sprinkler Inc.	56 West 300 North	2410	No
Jason Dattage	Liveit Global Marketing, LLC	56 West 300 North	2420	No
David Hair	D&B Equipment	355 North 100 West	2438	No
Wayne Ruud	Invision Windows/Doors	96 North 100 West	2468	Yes
Ross Bowen	Covenant Consulting Group, Inc.	190 West 265 South	2424	Yes
Bodie Lyon	Lyon Fruit Orchard	570 North Main	2403	Yes
Janice Gregory	Janice Gregory's Preschool LLC	50 West 100 South	2417	No
Sally Stocker	Very Good Design, LLC	240 West 200 South	2455	Yes
Glenn Floyd	Chromoly Plus	296 North 100 West	2433	No
Brett Hadfield	Silicone Plastics	97 West 300 South	2461	No
Lance Zollinger	Zollinger Commercial Warehousing	1000 W 1000 N	2445	No
James Christopherson	Overhead Door of Cache Valley	1000 W 1000 N, Ste 101	2479	No
Ryan Bingham	Les Olson Company	795 W 1700 S Bldg 28 #100	2449	No
Ryan Zollinger	Global Industries LLC	1000 N 1000 W Bldg 15	2440	No

2022 ACTIVE BUSINESS LICENSES

ISSUED TO	BUSINESS NAME	BUSINESS ADDRESS LN 1	Number	Home Fee Exemption
Josh Slater	Rocky Mt. Technology SVCS, Inc.	1000 W 1000 N BLDG 29 STE 101	2442	No
Josh Slater	Lyndale Marketing Inc.	1000 W 1000 N BLDG 29 STE 101	2443	No
Michael H. Evans	Master Evans Martial Arts	695 W. 1700 S. Bldg. 25 Suite 103	2457	No
Pam Waldron	Salon Solace	15 East 300 South	2432	No
Amy Eskelsen	For The Dog LLC	35 East 300 South	2492	No
Desaree Salerno	Come Home to Clean LLC	295 North 100 West	2463	Yes
Shane Jackson	Omnia Plumbing & Construction	295 East 400 North	2454	Yes
Trevor Hobbs	Canyon View Aeration & Lawn Care	414 South 550 East	2407	No
Tara Hobbs/Holli Johnson	Tara's Beauty Shop	414 South 550 East	2406	No
Deven Gnehm	Signature Sales, LLC	1000 W. 1000 N.	2430	No
Naseer A. Mirza	Chills On Wheels Ice Cream	290 W. 1140 N.	2418	No
Nathan E. Peterson	The Whitney Connection LLC	1000 N 1000 W Ste 108	2426	No
Quinn Johnson	Lawn Specialists	160 North 300 East	2414	No
Tom or Kathy Fecteau	Kathy Kaye Foods, LLC	1000 N 1000 W Bldg #30	2458	No
Katherine Evans	Home Plan Portfolio	543 North 300 East	2520	Yes
James E. Fields	Mountain Greenery	71 West Center	2471	No
Ryan Pierson	Artistic Rail	11 East 650 North	2434	No
Brett Hadfield	Hadfield Insurance Services	211 East 500 North	2462	Yes
Mark Perkes	Reapp LLC	77 East 200 South	2436	No
Robert B. Wick	Rob Wick Construction LLC.	130 West 300 North	2415	No
Jessica Summers	Dog Breeding Services	150 West 600 East	2466	No
Nathan Zollinger	Wheel Pros Dynamics dba ZBROZ	1000 N 1000 W Bldg 8	2465	No
Bridgett Farmer	Farmhouse Salon	259 East 300 South	2523	No
Zachary Norton	Refine It Marketing	310 East 100 North	2489	Yes
Jill Woolley	Creative Corner Preschool	420 North 200 East	2472	No
Colt Pini	Triing LLC	30 West 550 North	2516	Yes
Earl Cox	Cox Electric	293 East Center	2474	No
Mandy P. Schiess	Eric & Mandy Schiess LLC	181 West Center	2405	No
Carrie Newman	Cerus Gear, LLC	700 W 1700 S Bldg 29 Ste 106	2469	No
Colton Murray Thain	Mean Machine	695 West 1700 South #15	2470	No
Marie Jenkins	Yellow Door Salon	545 North 140 East	2491	No
Crae Williams	Stone Haven Construction	25 E. 450 N.	2484	Yes
Jenny Williams	Busy Bugs Preschool	25 East 450 North	2485	No
Brian Jensen	ABJ Specialty	650 North Main	2411	No
Jack R. Gage	Jack R. Gage Refrigeration (JRG)	695 West 1700 South Bldg 15	2427	No
Jack R. Gage	Craft Contractors LLC	695 West 1700 South Bldg 15	2428	No
Ashlie Jessop	Ashlie Jessop	164 East 350 South	2467	No
Josh Cowley	Fab-Tech Machining	55 West 400 North	2514	No
Tessa Miller	Divine Designs by T	275 East 300 North	2493	No
Larry Lewis	Larry S. Lewis Construction Inc.	40 North 100 East	2490	No
Tyson Burnham	Singular Edge LLC	490 North 200 East	2498	Yes
Trudy Sorenson	Minds Eye LLC	69 West 200 South	2487	Yes
Sean Kartchner	Pepperidge Farm	699 West 1700 South #14 & #16	2512	No
D'Arcy Echols	D'Arcy Echols & Co.	98 West 300 South	2478	No
Matt Fackrell	Accent Painting & Special Coat	10 West 300 South	2476	No
Cerissa Hebdon	CrossFit Antietam	700 W 1700 S #105	2504	No
Heber Hernandez	H&J Drywall Construction, LLC	548 North Main	2483	Yes
Sarai Hernandez	H&J Counter Top, LLC	74 South 550 East	2525	Yes
Dean Lewis	Ideal Electric, Inc.	134 South 100 West	2524	Yes
Sara Banham	Indi & Company	700 W. 1700 S. Ste. 111	2505	No

2022 ACTIVE BUSINESS LICENSES

ISSUED TO	BUSINESS NAME	BUSINESS ADDRESS LN 1	Number	Home Fee Exemption
Linda Hendrickson	White Birch Farms	380 South 200 East	2521	No
Ryan Shurtleff	CampSaver.com	695 W 1700 S Bldg 12, Unit C	2502	No
Rael Thomson	Mountain Shih Tzu	480 South 550 East	2488	No
Drew Michener	Green Box Solar	765 West 1940 South, #101	2526	No
Erin May	Center Street Cheesecake, LLC	137 West Center Street	2527	No
Ronald Michael Johnson	Summit Electric Inc.	625 North Main	2510	No
Colby Nielson	High Country Home Builders	253 North 250 East	2496	No
Todd Aslett	Auto Paint Designs	26 West 300 North	2506	No
Kalob Wahler	Dub's Universal Repair	120 North 300 East	2511	No
Amanda Hansen	Little Turkey Shoppe	120 North 300 East	2482	Yes
Melecio J. Hilera	Jacob's	278 North 100 East	2486	Yes
Colby E. Gill	Western Adjusting Services LLC	397 South 200 East	2503	Yes
Natalie Rae Anderson	Mountain Valley Botanical	700 W. 1700 S. Suite 104	2507	No
Kyle Pence	Smooth Shop	1000 N 1000 W Bldg 8	2513	No
Jassiel Ramirez	ItalKraft Countertops	765 W 1950 S Bldg 22 Ste 104	2452	No
Garyn Perrett	TextMyGov	695 W 1700 S Bldg 22 Ste 103	2528	No
Madison Arave	Maddy Helps	171 East 550 North	2529	Yes
Trey Hustad	Squeegee Bros	540 North 140 East	2530	No
Deven Gnehm	E-Moto	1000 N. 1000 W.	2531	No
Cody Anhder	Accurate Maintenance	32 West 200 North	2532	Yes
Courtney Funk	Bam Bam Apparel	223 North 100 West	2533	Yes

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