

## NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold their regularly scheduled Council Meeting on Thursday, December 8, 2022, at the Millville City Office, 510 East 300 South in Millville, Utah, at 7:00 p.m.

1. Call to Order / Roll Call – Mayor Hair
2. Opening Remarks / Pledge of Allegiance – Councilmember Grange
3. Approval of agenda
4. Approval of minutes of the City Council Meeting – November 16, 2022
5. Agenda Items—
  - A. Public Comment Period (2 min/person)
  - B. Business License Request for Boss Nails by Sarah at 110 N. 200 E. – Sarah Thompson
  - C. Business License Request for DTorres Floral at 105 N. Main – Deleny Torres
  - D. Report on P&Z Meeting held December 1, 2022 – Development Coordinator Everton
  - E. Consideration of Resolution Adopting 2022 Impact Fee Report – Recorder Twedt
  - F. Consideration for cancelling the City Council meeting scheduled for December 22, 2022 – Mayor Hair
  - G. Setting of the 2022 Annual Meeting Schedule – Mayor Hair
  - H. Review of proposed code regulations for Accessory Dwelling Units (ADUs) and Short-Term Rentals – Recorder Twedt
  - I. Discussion on internal accessory dwelling utility fees – Mayor Hair
  - J. City Reports: Roads, Parks, Water – Public Works Director Kendrick
  - K. Councilmember Reports and Other Items for Future Agendas
6. Adjournment.

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

This agenda was posted on December 5, 2022 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.

  
\_\_\_\_\_  
Corey Twedt, Recorder

**MILLVILLE CITY COUNCIL MEETING**  
**City Hall – 510 East 300 South – Millville, Utah**  
**November 16, 2022**

**PRESENT:** David Hair, Daniel Grange, Michael Callahan, Pamela June, Ryan Zollinger, Chad Kendrick, Corey Twedt, Kara Everton, Seth Tait

**Call to Order/Roll Call**

Mayor David Hair called the City Council Meeting to order for November 16, 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, Recorder Corey Twedt were present.

**Opening Remarks/Pledge of Allegiance**

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

**Approval of Agenda**

The agenda for the City Council Meeting of November 16, 2022, was reviewed. **Councilmember Grange moved to approve the agenda for November 16, 2022.** Councilmember Callahan 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 November 10, 2022. **Councilmember Callahan moved to approve the minutes for November 10, 2022.** Councilmember Grange seconded. Councilmember June clarified one of her statements on page four of the minutes and this was corrected. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

**Consideration for approval of Cache Waste Consortium Interlocal Agreement between Cache County and the Municipalities of Cache County for creation of an entity for County and Municipal Solid Waste Disposal**

Mayor Hair reviewed the final draft of the interlocal agreement with the Council. Councilmember Zollinger said that he thinks the agreement is more than what is needed to solve the issue of finding a contractor for solid waste disposal. He said that he feels like it is government overreach. He expressed concern with the amount of power that would be given to this new entity by this agreement.

City Attorney Seth Tait said that he recently met with the other city attorneys and some of the mayors to try and work through issues and finalize this interlocal agreement. He said that the powers of this entity were discussed in those meetings. The initial desire was to give just the minimal amount of authority to get through the initial five years with a contractor for solid waste. Some of the mayors throughout Cache Valley wanted to ensure that it was set up in way that would allow for more services to be offered in the future if that was desired without having to create a new interlocal entity. Councilmember Zollinger said that he feels like this is a power grab or that it might allow for one in five-year's time.

Councilmember June asked about the penalty for withdrawing. She asked if a city would incur that penalty if it were to withdraw after five years. Seth said that he didn't think there was a mechanism for doing that in this interlocal agreement.

Seth highlighted that the interlocal entity was not permitted to incur any debt for the first five years. The only purpose was to find and hire a contractor for garbage service.

Recorder Twedt said that from his standpoint, in the conversations he has been a part of, there is not a real strong desire from any of the mayors to go out and bond and deal with garbage services on their own. But in case the contractor rates increase significantly or result in problems, the mayors wanted to add language for the option to bond if they saw a significant future cost savings for the residents in doing so.

Recorder Twedt asked Seth about the bonding process after the five years if the mayors decided to go that route. Seth said that this interlocal agreement did make it a legal possibility to bond, but he suspected edits to the agreement would be needed to make bonding work properly.

Seth stated that the new entity was needed to issue the request for proposal (RFP) and contract with a solid waste provider. Then every City will enter into a service agreement with the entity and bill their residents directly. Recorder Twedt said that this is very similar to what the City is doing now.

Councilmember June asked why the interlocal entity was needed for the RFP to be sent out. Seth said that by creating an entity, they are adding stability and locking in the number of residents and geographical area for which a contractor is bidding to offer services. It is difficult for a contractor to provide a fixed bid when you don't know which cities will participate. This agreement locks things down so that cities cannot leave within the first year. After that, cities that wish to leave must provide a year of notice.

Councilmember June asked what the plan was for the cities that are pulling out and not participating in the interlocal agreement. Seth said that they are or will be doing an RFP separately for their city only. It was discussed that the hope was to have a reduced rate and less overhead by participating with the interlocal entity and the economy of scale that comes with it.

Councilmember Callahan said that one of the biggest advantages of signing this agreement is that it will allow for the RFP so that we can have real numbers and continue to move this forward.

The organization of the entity was then discussed. Seth said that the entity would be set up with a board of directors consisting of the mayors from each participating city as well as the County Executive. This is the group that will make all the decisions. Every city receives a single, equally weighted vote. Councilmember Grange pointed out that this would mean that Millville would have an equal vote with cities that are much larger than us. Seth said that this was the case and that this was political benefit to smaller participating cities.

Seth said that there have been concerns from the mayors in having 15 voting members and that this makes it difficult to get things done. As a result, the agreement establishes a smaller executive committee made up of mayors from the board of directors from geographical regions that can meet more regularly to hash things out. This smaller group can make recommendations, but don't have a separate vote. They have no decision-making ability. Mayor Hair said that he agreed with this decision to create an executive committee that would allow for things to get done more easily.

Councilmember Callahan said that in his opinion, there are a lot of issues with running a garbage facility and he doesn't think Millville should ever be part of a group that owns their own facilities.

Councilmember Callahan asked about the language in the agreement that said that the interlocal would establish the minimum cost per service address. Recorder Twedt said that this was similar to what is being done now with service through Logan City. The entity will determine how much is needed to pay for the contractor. Cities can then set their own rates that are generally a little bit higher to cover administrative costs.

Councilmember June asked about the political power of the County with this agreement. Seth said that the County would have a single vote, just like Millville City.

**Councilmember Callahan motioned to approve signing the interlocal agreement.**

Councilmember Grange seconded. Councilmember Callahan said that Millville needed to approve the agreement so that we can find and hire a contract garbage collector to have in place for the next five years. Councilmember Zollinger said that he is still struggling with what he sees as government overreach. He said that he feels like the mayors took what they were asked to do and have gone beyond that. Councilmember June said that she was uncomfortable with creating a new government entity, but that Millville could decide in four years to pull out of the agreement if they decided to do so at that time.

Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (The approved agreement is included with the minutes as Attachment "B".)

**Councilmember Reports and Items for Future Agendas**

Recorder Twedt reminded the Council of the upcoming hearing with the Cemetery District on Tuesday at 10 a.m. Mayor Hair asked Seth what they might expect at this hearing. Seth gave a summary of what the judge would decide on.

**Adjournment**

**Councilmember Grange moved to adjourn the meeting.** Councilmember June seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. The meeting adjourned at 7:42 p.m.

DRAFT



**Millville City**

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

**CHECK APPLICABLE BOX**

- Commercial       New Application  
 Home Business     Application Amendment  
**CHANGE OF:**  
 Ownership           Business Name  
 Address               Business Description

**Business License Application**

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

License No. \_\_\_\_\_  
 Date Received \_\_\_\_\_

**SECTION I: Business Information**

Application Contact: Sarah Thompson Contact Ph: 435-757-5477

A. Business Name "DBA": BOSS Nails by Sarah

B. Business Location: 110 N. 200 E Millville, UT 84326  
Street Address (include unit #)

C. Mailing Address: PO BOX 653 Millville Utah 84326  Same as "B. Business Location"  
ATTN: Street (include unit#)/PO Box address City, State, Zip

D. Local Business Ph: 435-757-5477 Fax: \_\_\_\_\_ www: \_\_\_\_\_

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

**COMMERCIAL**

Building/plaza: \_\_\_\_\_

Is this a secondary use within an existing business location?

Yes, in \_\_\_\_\_  No

Hours of Operation: \_\_\_\_\_

Type of Operation: (mark all that apply)

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

Previous use of location:  
 \_\_\_\_\_

**HOME BUSINESS**

Please Note:

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

On-site employees?  Yes  No

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

On-site customers?  Yes  No

If yes,  
 Up to how many per day? Wk  
 Up to how many per week? 2-4  
 Where will they park? in my driveway

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: Jan 2023

**This Business Includes:**

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

**SECTION III: Business Description — Specific**

(attach additional pages if necessary)

I do nails. I will have a few clients each week. I offer hard gel and flex gel so no fumes. I have a nail tech license.

**SECTION IV: Additional Information**

E. Utah State Tax Commission — Sales Tax Number: \_\_\_\_\_  Not applicable

F. State & federal regulatory agency licensing info: \_\_\_\_\_  Not applicable  
(Not referring to an EIN or entity number)

G. Did you use "One-Stop Online Business Registration" to Register your business with state and federal agencies?

Completely  Partially  Not at all  I do not know — someone else did it

H. Previous Business Name: \_\_\_\_\_  Not applicable

I. Previous Business Location: \_\_\_\_\_  Not applicable

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

**Parent Entity**

Parent Business Name: \_\_\_\_\_  same as "A. Business Name DBA"

State Entity Type:  Sole Proprietorship  Partnership  LLC  Corporation  Non-Profit Corporation (w/501 c3 letter)

**Officers (1)**

Officer Name: \_\_\_\_\_ Contact Ph. \_\_\_\_\_

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

Home Address: \_\_\_\_\_  
Street (include unit #) / PO Box Address City, State, ZIP

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

**Officers (2)**

Officer Name: \_\_\_\_\_ Contact Ph. \_\_\_\_\_

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

Home Address: \_\_\_\_\_  
Street (include unit #) / PO Box Address City, State, ZIP

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

**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.

Sarah Thompson  
Signature of Owner/Authorized Agent

Sarah Thompson  
Printed Name

Nov 10, 2022  
Date

**SECTION VII: For administration use only**

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

Conditional Use: (If box is checked see conditions)

Agree  Do not agree Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Yes  No City Council grants permission Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FEES  \$25.00  EXEMPT PAYMENT TYPE  RECEIPT



### Millville City

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

**CHECK APPLICABLE BOX**

Commercial       New Application  
 Home Business       Application Amendment

**CHANGE OF:**

Ownership       Business Name  
 Address       Business Description

#### Business License Application

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

License No. \_\_\_\_\_  
 Date Received \_\_\_\_\_

**SECTION I: Business Information**

Application Contact: Deleeny Torres Contact Ph: (435) 994-5766

A. Business Name "DBA": D Torres floral

B. Business Location: 105 N. Main Millville, UT 84326  
Street Address (include unit #)

C. Mailing Address: P.O. Box 135, Millville, UT, 84326  Same as "B. Business Location"  
ATTN: Street (include unit#)/PO Box address City, State, Zip

D. Local Business Ph: (435) 994-5766 Fax: \_\_\_\_\_ www: \_\_\_\_\_

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

<p><b>COMMERCIAL</b></p> <p>Building/plaza: _____</p> <p>Is this a secondary use within an existing business location?  <input type="checkbox"/> Yes, in _____ <input type="checkbox"/> No</p> <p>Hours of Operation: _____</p> <p>Type of Operation: (mark all that apply)</p> <p><input type="checkbox"/> Sales/Service: Customers typically come on site  <input type="checkbox"/> Sales/Service: Customers rarely come on-site  <input type="checkbox"/> Service no sales  <input type="checkbox"/> Fresh food service and/or preparation  <input type="checkbox"/> Manufacturing  <input type="checkbox"/> Medical/dental  <input type="checkbox"/> Daycare  <input type="checkbox"/> Instruction  <input type="checkbox"/> Preschool  <input type="checkbox"/> Other: _____</p> <p>Previous use of location:    _____</p>	<p><b>HOME BUSINESS</b></p> <p>Please Note:        A home business does not change the aesthetic character of the area and zone.</p> <p>On-site employees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        If yes,        Up to how many? _____ Working hours? _____        Where will they park? _____</p> <p>On-site customers? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No        If yes,        Up to how many per day? <u>1</u>        Up to how many per week? <u>5</u>        Where will they park? <u>in the driveway</u></p> <p>On-site business will be performed from a:  <small>(mark all that apply)</small></p> <p><input checked="" type="checkbox"/> Home office      <input checked="" type="checkbox"/> Garage/storage room  <input type="checkbox"/> Desk and chair      <input type="checkbox"/> Carport/driveway  <input type="checkbox"/> Shed/out building      <input type="checkbox"/> Vehicle  <input type="checkbox"/> Other: _____</p> <p>Do you intend to set-up off-site?        (i.e. in parking lot, at festivals, within stores)  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Proposed start date: <u>Nov. 20<sup>th</sup></u></p>	<p><b>This Business Includes:</b></p> <table border="1"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Signage</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Alcohol sales and/or services</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Live entertainment on-site</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Door-to-door solicitation</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Fireworks sales on-site</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Vending machines on-site</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>On-site secondary business</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>On-site events (ie. community party parking lot/sidewalk sales)</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Investment advice and/or service</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Pesticides use and storage</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Hazardous materials use and storage</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Vehicle sales</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Firearms or explosives sales</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Care of children or preschool</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Any construction jobs over \$1,000</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Piercing, tattooing, perm, make-up</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Used merchandise transactions</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Changes to existing garbage service</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Vehicles, trailers, mowers, etc. (stores on site)</td></tr> <tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td>Electrical, plumbing, structural, or mechanical changes to site</td></tr> </tbody> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alcohol sales and/or services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Live entertainment on-site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Door-to-door solicitation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fireworks sales on-site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vending machines on-site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On-site secondary business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On-site events (ie. community party parking lot/sidewalk sales)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Investment advice and/or service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pesticides use and storage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazardous materials use and storage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle sales	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Firearms or explosives sales	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Care of children or preschool	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any construction jobs over \$1,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Piercing, tattooing, perm, make-up	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Used merchandise transactions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Changes to existing garbage service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicles, trailers, mowers, etc. (stores on site)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Electrical, plumbing, structural, or mechanical changes to site
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**SECTION III: Business Description — Specific**  (attach additional pages if necessary)

Selling flower arrangements & treats from home.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**SECTION IV: Additional Information**

E. Utah State Tax Commission — Sales Tax Number: 14695558-003-STC  Not applicable

F. State & federal regulatory agency licensing info: 13125624-0151  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: DTorresfloral  same as "A. Business Name DBA"  
 State Entity Type:  Sole Proprietorship  Partnership  LLC  Corporation  Non-Profit Corporation (w/501 c3 letter)

**Officers (1)**

	<small>Sole Prop./Partnership</small>	<small>LLC</small>	<small>Corporation</small>
Officer Name: <u>Deleny Torres</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Member	<input type="checkbox"/> President
Contact Ph: <u>(435)994-5766</u>	<input checked="" type="checkbox"/> Local Manager	<input type="checkbox"/> Manager	<input type="checkbox"/> Director
Home Address: <u>105 N. Main, P.O. Box 135, Millville, UT, 84326</u>		<input type="checkbox"/> Local Manager	<input type="checkbox"/> Officer
<small>Street (include unit #) / PO Box Address</small>	<small>City, State, ZIP</small>		<input type="checkbox"/> Local Manager

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

**Officers (2)**

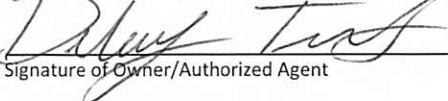
	<small>Sole Prop./Partnership</small>	<small>LLC</small>	<small>Corporation</small>
Officer Name: <u>Annie Torres</u>	<input type="checkbox"/> Owner	<input type="checkbox"/> Member	<input type="checkbox"/> President
Contact Ph: <u>(435)512-2677</u>	<input checked="" type="checkbox"/> Local Manager	<input type="checkbox"/> Manager	<input type="checkbox"/> Director
Home Address: <u>105 N. Main, P.O. Box 135, Millville, UT, 84326</u>		<input type="checkbox"/> Local Manager	<input type="checkbox"/> Officer
<small>Street (include unit #) / PO Box Address</small>	<small>City, State, ZIP</small>		<input type="checkbox"/> 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**

- 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:
  - the information provided on the application, and
  - review of the Mayor and City Council
- Additional Requirements** – Under the Municipal Code, additional Business License application requirements are necessitated for some business types.
- Denial of License** – Application denial or subsequent license suspension or revocation are most often the result of:
  - an inaccurate or incomplete application, or failure to update information with the City and/or
  - non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.
- Other regulatory bodies** – It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.
- Signage** – Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.
- 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.

 Deleny Torres 11/17/2022  
 Signature of Owner/Authorized Agent Printed Name Date

**SECTION VII: For administration use only**

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

**Conditional Use:** (If box is checked see conditions)  
 \_\_\_\_\_  
 \_\_\_\_\_

Agree  Do not agree Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Yes  No City Council grants permission Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

**HOME-BASED BUSINESS FEE EXEMPTION CERTIFICATION**

Business Name Dtorresfloral

Owner Name Deleny Torres

Business Address 105 N. Main, Millville, UT, 84326

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

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

  
Signature

11/17/2022  
Date

## ***MILLVILLE PLANNING COMMISSION MEETING***

**City Hall - 510 East 300 South - Millville, Utah**

**December 1, 2022**

**PRESENT:** Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Pam June, David Hair, Tara Hobbs, Tony Johnson, Kara Everton

### **Call to Order/Roll Call:**

Commissioner Dickey opened the meeting for December 1, 2022, at 8:02p.m. Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present. Commissioner Greenhalgh absent. Development Coordinator Kara Everton was present and took the minutes.

### **Opening Remarks/Pledge of Allegiance**

Commissioner Dickey led all present in the Pledge of Allegiance.

### **Approval of Agenda**

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Farmer moved to approve the agenda for December 1, 2022.** Commissioner Thompson seconded. Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

### **Approval of the Minutes of the Previous Meeting**

The Planning Commission reviewed the minutes for the Planning Commission Meeting for November 3, 2022. **Commissioner Lewis moved to approve the minutes.** Commissioner Anderson seconded. Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

### **5.A. Zoning Clearance- Accessory Building- Beehive Builders for Cody Anhder- 32 W 200 N. Millville**

Representative is not present. Shop that is approximately 3120 SF. Height on the building is 23'-3". This will be used to store equipment and work. On the application septic and plumbing was checked and the commission wanted to know if there was a plan for a bathroom. There is nothing showing in the plans that show a bathroom.

**Commissioner Thompson made a motion to approve the Zoning Clearance for an Accessory Building for Beehive Builders for Cody Anhder located at 32 W 200 N. Millville. Commissioner Anderson seconded.** Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

Further discussion ensued regarding the septic tank being checked on the Zoning clearance application. Commissioner Anderson stated that as long as there are proper inspections then he feels confident in the motion. Some commissioners wanted to amend the motion to include a contingency.

**Commissioner Lewis made a motion to approve the Zoning Clearance for an Accessory Building for Beehive Builders for Cody Anhder located at 32 W 200 N. Millville contingent on the information we receive on an install of a bathroom. Commissioner Thompson seconded.** Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

**5.B. Zoning Clearance- Review- Techone Construction LLC- 189 S. Main St. Millville**

Tony Johnson is here representing the builders who will be redoing the home. The home is a two-tank septic system that is really old. The electrical service will be upgraded. The plumbing will be redone. All windows redone. They are in touch with BRHD to make sure the tank is up to department safety. Commissioner Ripplinger asked if the canal company has been updated on renovations. Tony said they will speak with them. Tony has submitted everything with the county, and they need a Zoning Clearance to have the county inspector to come in and approve upgrades. The footprint is not being affected. Commissioners were all in favor of seeing the improvement plans, as well as the BRHD approval letter. This is a unique lot because it isn't a new construction job, but it is a home that is need of improvements. Mayor Hair stated that the biggest concern of the city is the sewer connection in the future. Ultimately, this is just about the power upgrade and the county is requesting a Zoning Clearance to proceed but the actual construction activity will be done in the spring and the contractor will come in for a Zoning Clearance for a building permit at that time. The orange paper that Chad gives out to check off for Certificate of Occupancy needs to be completed as well.

**Commissioner Thompson made a motion to recommend the Zoning Clearance for a remodel Techone Construction LLC- 189 S Main St. Millville to update the utilities with the contingency that Bear River Health Department give a written approval for the septic and is for utilities only. Commissioner Farmer seconded.** Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

There have been numerous discussions regarding a better way to monitor home improvements that require certain inspections done on the home like electrical, adding or subtracting walls, or any plumbing, etc. to ensure proper steps are being made to protect homes in Millville. We will continue this discussion with City Council to see if it is a concern we need to address.

**Notes on agenda item 5.A. Accessory Building-**

Cody text Tara and stated that he is “stubbing in a drain line and a water line just so they’re under the cement but I don’t have any plans of connecting them at this point in time. I would eventually love a bathroom out there but that will be years down the road.” The commission is concerned with the inspection process. With the sewer coming in they want to make sure that there is a dry line installed and the proper inspections are completed.

**Commissioner Thompson has made a motion rescinded their previous motion. Commissioner Ripplinger Seconded.** Commissioners Lynette Dickey, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Greenhalgh absent.

**Commissioner Lewis made a motion to approve the Zoning Clearance for Accessory Building-Beehive Builders for Cody Anhder- 32 W 200 N. Millville contingent on the plans being updated to show where the drain lines are being stubbed in. Commissioner Farmer seconded.**

**5.C. Other**

1. The Town Center code was mentioned to have the commissioners be aware of possible upcoming projects. Development Coordinator Everton asked the commission to familiarize themselves with the code.
2. We received a new conceptual drawing for the Millville Escape Subdivision, that is owned by Jeremy Jenson. Development Coordinator Everton mentioned that there are a few things that need to be confirmed before it comes before the commission. An important note to be made is that all previous conceptual designs will be voided and the process and conversation is to start over.
3. Discussion began on the P&Z Meeting schedule for next year. The consensus was to keep the time at 8pm.

**6. City Council Report – review minutes from the November 10, 2022 and November 16, 2022 meeting**

**7. Agenda Items for Next Meeting**

**8. Calendaring of future Planning Commission Meeting**

The next regularly scheduled meeting will be held Thursday, December 16, 2022, at 8:00 pm.

**9. Adjournment**

Chairman Dickey moved to adjourn the meeting at 9:15 p.m.

**MILLVILLE CITY  
RESOLUTION 2022-26**

**IMPACT FEE CERTIFICATION**

WHEREAS, the Utah State Code in section 11-36-301 requires an annual report to be submitted to the Utah State Auditor with regard to Impact Fees collected, budgeted, and expended; and

WHEREAS, the Millville City Council has evaluated the capital projects and monies received and reviewed the documentation presented;

NOW THEREFORE, be it resolved by the Millville City Council that the attached report be adopted as the 2022 Millville City Impact Fee Report.

Passed and approved by the Millville City Council this 8<sup>th</sup> day of December 2022.

SIGNED:

\_\_\_\_\_  
David Hair, Mayor

ATTEST:

\_\_\_\_\_  
Corey Twedt, City Recorder

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

Millville City  
Impact Fee Schedule  
Fiscal Year Ended June 30, 2022

Projects From Which Funds Were Collected	<u>Parks</u>	<u>Roads</u>	<u>Water</u>	<u>TOTAL</u>
FY2017 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 33,007	\$ -	\$ 33,007
FY2018 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 45,178	\$ -	\$ 45,178
FY2019 - Unspent Impact Fees Collected and Interest Income	\$ -	\$ 49,685	\$ -	\$ 49,685
FY2020 - Unspent Impact Fees Collected and Interest Income	\$ 79,380	\$ 31,380	\$ -	\$ 110,760
FY2021 - Unspent Impact Fees Collected and Interest Income	\$ 96,731	\$ 32,557	\$ -	\$ 129,288
FY2022 - Unspent Impact Fees Collected	\$ 42,640	\$ 15,840	\$ 24,400	\$ 82,880
FY2022 - Interest Income	\$ 808	\$ 914	\$ -	\$ 1,722
<b>Subtotal</b>	\$ 219,559	\$ 208,561	\$ 24,400	\$ 452,520
Park impact fees spent - South Park improvements	\$ (101,839)	\$ -	\$ -	\$ (101,839)
Road impact fees spent - 550 N right turn lane	\$ -	\$ (19,837)	\$ -	\$ (19,837)
Water impact fees spent on principal and interest payments for the bonds for 2006 Reservoir and 2022 Well Projects	\$ -	\$ -	\$ (24,400)	\$ (24,400)
<b>Total Impact Fees and Interest on Hand at June 30, 2022</b>	<b>\$ 117,720</b>	<b>\$ 188,724</b>	<b>\$ -</b>	<b>\$ 306,444</b>

Future Expected Expenditures of Impact Fees on Hand by Project by Fee Type	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>TOTAL</u>
<b>Park Expenditures</b>				
Finish South Park paving and sealing	\$ 48,000	\$ -	\$ -	\$ 48,000
Finish South Park pickleball courts landscaping	\$ 5,000	\$ -	\$ -	\$ 5,000
South Park extension	\$ 13,000	\$ -	\$ -	\$ 13,000
	\$ 66,000	\$ -	\$ -	\$ 66,000
<b>Road Expenditures</b>				
Finish South Park road paving and sealing	\$ 57,000	\$ -	\$ -	\$ 57,000
City portion of 300 S to Nibley 3200 S project	\$ 33,000	\$ 100,000	\$ -	\$ 133,000
	\$ 90,000	\$ 100,000	\$ -	\$ 190,000
<b>Water Expenditures</b>				
Bond payments for 2006 Reservoir and 2022 Well Projects	\$ -	\$ -	\$ -	\$ -
<b>Impact Fees Projected for Expenditures</b>	<b>\$ 156,000</b>	<b>\$ 100,000</b>	<b>\$ -</b>	<b>\$ 256,000</b>



## **AGENDA REPORT: ADUs and SHORT-TERM RENTALS**

**December 8, 2022**

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### **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 23<sup>rd</sup>.** 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

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

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

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

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

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



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

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



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





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

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

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

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

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

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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.

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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](#).

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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.

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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**

**Dec. 8, 2022**

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### **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). The fee structure was subsequently reviewed at the November 10, 2022 City Council meeting.

The Council should review if and how they want to address utility fees for IADUs.

### **Included documents**

- Utility rate comparison between home without IADU and one with an IADU
- 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
- CC Minutes from 11/10/22

<b>Rate Comparison Between Residence and Residence with Apartment (IADU)</b>				
<b>Rates as of November 2022</b>				
	<b>Now</b>		<b>With Expected Upcoming Sewer Bill</b>	
	<b>Residence</b>	<b>With Apartment</b>	<b>Residence</b>	<b>With Apartment</b>
Garbage/Recycle *	\$20.00	\$20.00	\$20.00	\$20.00
911 Service	\$3.00	\$6.00	\$3.00	\$6.00
Ambulance/EMS	\$5.00	\$10.00	\$5.00	\$10.00
Stormwater	\$4.00	\$8.00	\$4.00	\$8.00
Sewer	\$5.00	\$10.00	\$89.00	\$178.00
Water *	\$63.00	\$101.00	\$63.00	\$101.00
<b>TOTAL</b>	<b>\$100.00</b>	<b>\$155.00</b>	<b>\$184.00</b>	<b>\$323.00</b>

\*Assuming additional can is not needed.

\*\*Residence average water bill over a year. Apartment incurs additional base rate of \$38.

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 Niensens could do to address specific 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 Niensens. 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 Niensens 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

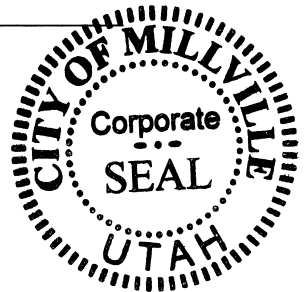
Approved and passed by the Millville City Council this 14th day of January 2021.

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-income 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.

**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

# **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