

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
December 8, 2022

PRESENT: David Hair, Daniel Grange, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Deleny Torres, Sarah Thompson

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for December 8, 2022 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Ryan Zollinger and Daniel Grange were in attendance with Councilmembers Michael Callahan and Clay Wilker excused.

Opening Remarks/Pledge of Allegiance

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

Approval of Agenda

The agenda for the City Council Meeting of December 8, 2022 was reviewed.

Councilmember Grange moved to approve the agenda for December 8, 2022.

Councilmember Zollinger seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and 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 16, 2022.

Councilmember June moved to approve the minutes for November 16, 2022.

Councilmember Grange seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused.

Public Comment Period

Mayor Hair opened the floor for any public comments.

Public Works Director Chad Kendrick said that he would like to discuss the snow removal on the street on the side of Guy Curtis’ home. Director Kendrick said that when the big snowstorm happened recently, he received a call from them complaining about the snow that was pushed into that dead end. He said that this has been a recurring problem that public works have been hearing about for years and he would like to know what the Council would like him to do. Director Kendrick said that Guy was requesting that the

snow be pushed beyond the City property into the land owned by Rose Mary Jones. Director Kendrick said that he wasn't going to do that since it was private property.

The Council reviewed some photos. It was discussed that Guy Curtis still generally has a trailer parked on the City right-of-way.

There was a discussion on the angle of the blade on the snowplow. Councilmember Zollinger pointed out that the south side of the road is the side yard of the Curtis home while the north side of the road is the front yard of the Smith home. He said that the City is not going to push snow on to the Jones' private property nor should it go in the front yard of the neighbor across the street.

The Council asked Director Kendrick to do the best that they can to move the snow as far as they can without it being an issue for the Smith home. As this is the side yard of the Curtis home on a dead-end street, there is only so much the City can do without adding a lot of additional work and overhead.

Request for a Business License for Boss Nails by Sarah

Sarah Thompson has submitted a request for a business license for Boss Nails by Sarah at 110 North 200 East. Sarah explained that she usually works out of a salon, so her home would only be used as a backup location. She said that she would only be working with gels from her home and not acrylics, since she does not have the required ventilation system at her home. She said that she only planned on working from home a couple days a week and with only one client at a time. Recorder Twedt asked if she had enough parking off the road and City right-of-way. Sarah said that all customers would be parking in her driveway and not on the road. **Councilmember Zollinger moved to approve the business license for Boss Nails by Sarah.** Councilmember June seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused. (A copy of the license application is included with the minutes as Attachment "B".)

Request for a Business License for DTorres Floral

Deleny Torres has submitted a request for a business license for DTorres Floral at 105 North Main. Deleny said that she is planning to sell floral arrangements from her home. Recorder Twedt said that her application included the request for home-business fee exemption, but since she would be seeing customers from her home, she did not meet the requirements and would have to pay the \$25 yearly fee for her business license. Councilmember Grange asked Deleny where her customers would park. She confirmed that they would park in her driveway and not on the side of the road. **Councilmember Grange moved to approve the business license for DTorres Floral.** Councilmember June seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused. (A copy of the license application is included with the minutes as Attachment "C".)

Report on P & Z Meeting held December 1, 2022

Development Coordinator Kara Everton reviewed with the Council the Planning Commission's draft minutes for the meeting held December 1, 2022.

Consideration of a Resolution Adopting the 2022 Impact Fee Report

Recorder Twedt reviewed with the Council the resolution to accept the 2022 Impact Fee Report.

Councilmember Zollinger motioned to approve Resolution 2022-26. Councilmember Grange seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused. (The information is included with the minutes as Attachment "D".)

Consideration for cancelling City Council meeting scheduled for December 22, 2022

Mayor Hair asked the Council if they would like to cancel the regularly scheduled meeting for the week of Christmas this year as is done most years. The consensus from the Council was to cancel unless something important comes up and a meeting is needed.

Setting the 2023 Annual Meeting Schedule

Mayor Hair explained that each year the Council needs to set their annual meeting schedule and publish it for the public. He said that the Council may want to consider going down from two meetings per month to one meeting per month. Recorder Twedt explained that this was something he wanted the Council to consider. Some other neighboring cities had made this adjustment as well. He said that it is easier to add a meeting than it is to remove one. If there are two planned meetings for a month and business license applications come in (for example), the City holds a meeting where one was not really necessary and the application could have waited two more weeks. Recorder Twedt said that things have changed, and the Council receives information more regularly through email and other technology than they did only through meetings in the past. Recorder Twedt explained that it is a major time drag to do the required postings, staff reports and other things to prepare for a meeting. He said that this comes with an opportunity cost for other things that he could be working on. His recommendation was to plan on one meeting on the 2nd Thursday of each month and then liberally schedule additional meetings if there are urgent needs, as was done in November to review the solid waste interlocal agreement.

Councilmember Zollinger said that he wanted the City to be effective and not have a meeting just to have a meeting. He said that he did have some reservations of things being delayed with meetings being held once per month, but that he was not opposed to trying it out and see if they needed to change back to two meetings per month.

It was discussed that if the City went to one City Council meeting per month, it would be helpful to receive packet material further in advance. Recorder Twedt said that he agreed, and this would help make that possible. Development Coordinator Everton said that there

are often City Council agenda items that result from a P&Z meeting the week before. Recorder Twedt said that he would target having everything prepared earlier and then adding the P&Z items when available and getting it to the Council by a Friday or Saturday before a City Council meeting instead of the Monday before the Thursday meeting.

Recorder Twedt said that if the Council goes to one meeting per month, a code change will be needed and that he could have this prepared and on the agenda for adoption at the next City Council meeting in January.

Councilmember Grange motioned to update the meeting schedule to once per month on the second Thursday. Councilmember June seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused.

Review of proposed code regulations for Accessory Dwelling Units (ADUs) and Short-Term Rentals (STRs)

Mayor Hair said that one concern he has is that there have been discussions of STRs needing business licenses. As currently structured, the cost for a business license is \$25 per year. Mayor Hair said that he thinks STRs should be required to pay the same additional utility fees as a long-term rental unless they are only going to rent for a small portion of the year. Development Coordinator Everton said that having different tiers of business license fees would be a way to deal with this. Mayor Hair said that the impact from an STR may be the same or even more than an ADU.

It was discussed that there are some issues with charging utility fees to STRs. It is possible that someone only rents out an STR for a few days in a month or only a little bit in a year. It is also possible that the homeowner rents out their home and then they leave the City during that time, so there would be no additional impact to the City. The Council decided to talk about the fees more with the next agenda item.

Councilmember Zollinger said that ultimately, Millville is going to get ADUs and STRs in the community, so it is important to figure out how to work with them.

Recorder Twedt reviewed the proposed code changes that the Council had received from the Planning Commission. Development Coordinator Everton helped walk the Council through the changes and conversations that took place in Planning and Zoning. Small, proposed changes were made to the code for the next Planning Commission review.

The Council began with the ADU Code and discussed external ADUs and if they should be permitted at all. It was determined to keep the proposed code regulations in place for the external ADUs. Permanent foundations and camp trailers were discussed.

Mayor Hair said that in the draft being reviewed, an ADU owner would not have to pay any utility fees for the first year. The Council discussed this and agreed that this allowance should be removed. The penalty for not having a permit was reduced from \$100 per day to \$50 per day and changed from a lien to an administrative fee.

The Council said that they felt the Planning Commission had done a good job at removing some of the requirements and keeping the code simple.

The STR proposed code was then discussed. Councilmember Zollinger said that he had recently stayed in an STR in which there was a list of City regulations and a warning that any fines imposed by the City would be the responsibility of the renter. The Council said that when the STR owner came in for a business license, they could be notified of things like this.

The Council suggested that the requirement for an STR business license of disclosing the number of bedrooms should not be required and asked that this be removed from the proposed code.

The Council agreed with the Planning Commission to remove the limitations on the total number of STRs that would be permitted in the City. The Council asked that the parking requirement grid be removed and have the code simply state that adequate off-street and off-right-of-way parking be required.

Mayor Hair suggested that the code be printed so that it could be given to residents when they come in for a STR business license. Councilmember Grange said that he agreed and that the code be included in the packet given to someone wanting this type of business license.

Recorder Twedt said that he would clean up the proposed code and get it back to P&Z for a public hearing. After that, P&Z will make a recommendation for adoption by the City Council and an ordinance will be written. (A copy of the updated redline changes to the proposed code is included with the minutes as Attachments "E & F".)

Discussion on internal accessory dwelling utility fees

Mayor Hair said that he felt the fees should be the same and equal for ADUs and STRs. It was discussed that there are some potential issues in regulating fees for STRs in that the City wouldn't know when the units are occupied. Someone could rent out an STR for only a day or two a month. Also, if someone leaves Millville for a week and rents their home as a STR, there is no additional impact.

Councilmember Zollinger said that he thought the Council needed to focus on the impact imposed on neighbors and attempt to minimize that as much as possible. He said that it was important to maintain the look and feel of the community.

The Council reviewed in detail the existing utility fees with and without ADUs as well as what the fee would be with the current resolution after the sewer system is completed. The Council decided to update the resolution to be a flat increase of \$50 per month in base rates for an ADU. They asked Recorder Twedt to structure this in a way that made sense to help pay for water and sewer infrastructure. It was decided that this \$50 flat rate for an ADU

would be maintained after the sewer system was complete. (A copy of the related staff report is included with the minutes as Attachment “G”.)

City Reports

Director of Public Works Chad Kendrick reported that sewer construction has begun. The line that is currently being worked on is 23-feet deep. He also said that with our new GIS system, we can keep much better track of our water and sewer lines throughout the City.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment “H”.)

Councilmember June discussed the complaint about the red barn that had been forwarded to the City Council. Councilmember Zollinger said that he felt they had done a good job in addressing the sections of code that they think are being violated. Councilmember June pointed out that when the owners of the barn had come to the City Council, they had said that their visitors would only be parking in the driveway and not on the street, but that this was not happening. Councilmember Zollinger said that he drove by early this morning and saw that people were parking on the street. Since the visitors were only there for a limited amount of time and this was currently not a business, this may not be a violation. He pointed out that the focus of the Council needed to be if ordinances were being broken.

Councilmember Grange addressed the allegation of collecting fees or donations to help cover the cost of the equipment being used. He said that this is one person’s word versus another person’s word and that this is not something the City needed to involve themselves with.

Councilmember Zollinger said that the neighbor that had filed the complaint had the right to address the concern about building code violations with the County. If they believe that the ordinance related to noise violations is being broken, he can deal with the City, but he needs to do more than say it is loud. He will need to provide some proof. Councilmember Grange said that the owner of the barn can start as early as he wants in the morning if they do not violate the noise ordinance. The Council said that if the neighbor to the barn can hear the noise in their bedroom at 6 a.m., then this is a problem. They suggested that the complainant be notified and asked to make a recording as was done previously by Mark Bodily when there had been issues with snowplows at Ridgeline High School.

Councilmember June said that she would call the people that issued the complaint and give them this direction.

Adjournment

Councilmember Zollinger moved to adjourn the meeting. Councilmember June seconded. Councilmembers June, Grange and Zollinger voted yes with Councilmembers Callahan and Wilker excused. The meeting adjourned at 9:43 p.m.

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 2023 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

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: 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
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? WA

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 |
|--------------------------|---|
| ☐ | ☒ Signage |
| ☐ | ☒ Alcohol sales and/or services |
| ☐ | ☒ Live entertainment on-site |
| ☐ | ☒ Door-to-door solicitation |
| ☐ | ☒ Fireworks sales on-site |
| ☐ | ☒ Vending machines on-site |
| ☐ | ☒ On-site secondary business |
| ☐ | ☒ On-site events (ie. community party parking lot/sidewalk sales) |
| ☐ | ☒ Investment advice and/or service |
| ☐ | ☒ Pesticides use and storage |
| ☐ | ☒ Hazardous materials use and storage |
| ☐ | ☒ Vehicle sales |
| ☐ | ☒ Firearms or explosives sales |
| ☐ | ☒ Care of children or preschool |
| ☐ | ☒ Any construction jobs over \$1,000 |
| ☐ | ☒ Piercing, tattooing, perm, make-up |
| ☐ | ☒ Used merchandise transactions |
| ☐ | ☒ Changes to existing garbage service |
| ☐ | ☒ Vehicles, trailers, mowers, etc. (stores on site) |
| ☐ | ☒ Electrical, plumbing, structural, or mechanical changes to site |

SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

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 InformationE. Utah State Tax Commission — Sales Tax Number: _____ ☐ Not applicableF. 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 itH. Previous Business Name: _____ ☐ Not applicableI. 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. _____

Home Address: _____
Street (include unit #) / PO Box Address City, State, ZIP**Sole Prop./Partnership**☐ Owner
☐ Local Manager**LLC**☐ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☐ This person can be contacted in the event of an after-hours police or fire emergency.**Officers (2)**

Officer Name: _____ Contact Ph. _____

Home Address: _____
Street (include unit #) / PO Box Address City, State, ZIP**Sole Prop./Partnership**☐ Owner
☐ Local Manager**LLC**☐ Member
☐ Manager
☐ Local Manager**Corporation**☐ President
☐ Director
☐ Officer
☐ Local Manager☐ This person can be contacted in the event of an after-hours police or fire emergency.**SECTION VI: Notification and Verification of Authority****1) Mandatory review process** — this application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 days (minimum), and are made based on:

- (i) the information provided on the application, and
- (ii) review of the Mayor and City Council

2) Additional Requirements — Under the Municipal Code, additional Business License application requirements are necessitated for some business types.**3) Denial of License** — Application denial or subsequent license suspension or revocation are most often the result of:

- (i) an inaccurate or incomplete application, or failure to update information with the City and/or
- (ii) non-compliance with the Municipal Code, Land Use Code, and/or applicable building, fire, and environmental codes.

4) Other regulatory bodies — It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.**5) Signage** — Permanent signage requires a separate Sign Permit Application, which is located on the city web site, Millvillecity.org.**6) Building alterations** — All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building application.

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

Sarah Thompson
Signature of Owner/Authorized AgentSarah Thompson
Printed NameNov 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

Attachment "C"

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": DTorresfloral

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)

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? 1

Up to how many per week? 5

Where will they park? in the 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: Nov. 20th

This Business Includes:

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

SECTION III: Business Description — Specific

☐ (attach additional pages if necessary)

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)

Officer Name: Delany Torres Contact Ph: (435)994-5766 ☒ Owner ☐ Local Manager

Home Address: 105 N. Main, P.O. Box 135, Millville, UT, 84326
 Street (include unit #) / PO Box Address City, State, ZIP

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

Sole Prop./Partnership

LLC

Corporation

☐ Member☐ Manager☐ Local Manager☐ President☐ Director☐ Officer☐ Local Manager**Officers (2)**

Officer Name: Annie Torres Contact Ph: (435)512-2677 ☐ Owner ☒ Local Manager

Home Address: 105 N. Main, P.O. Box 135, Millville, UT, 84326
 Street (include unit #) / PO Box Address City, State, ZIP

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

Sole Prop./Partnership

LLC

Corporation

☐ Member☐ Manager☐ Local Manager☐ President☐ Director☐ Officer☐ Local Manager**SECTION VI: Notification and Verification of Authority**

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

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

Delany Torres
 Signature of Owner/Authorized Agent

Delany Torres
 Printed Name

11/17/2022
 Date

SECTION VII: For administration use only

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

Conditional Use: (If box is checked see conditions)

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

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

FEES ☐ \$25.00

☐ EXEMPT

PAYMENT TYPE

☐ RECEIPT

HOME-BASED BUSINESS FEE EXEMPTION CERTIFICATION

Business Name 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:

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

Deleny Torres
Signature

11/17/2022
Date

**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

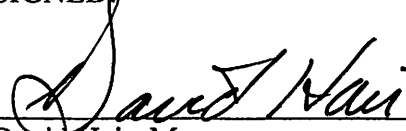
WHEREAS, the Millville City Council has evaluated the capital projects and monies received and reviewed the documentation presented;

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 8th day of December 2022.



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			

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
<i>Subtotal</i>	\$ 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)
<i>Total Impact Fees and Interest on Hand at June 30, 2022</i>	<u>\$ 117,720</u>	<u>\$ 188,724</u>	<u>\$ -</u>	<u>\$ 306,444</u>

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>
Park Expenditures				
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
	<u>\$ 66,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 66,000</u>
Road Expenditures				
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
	<u>\$ 90,000</u>	<u>\$ 100,000</u>	<u>\$ -</u>	<u>\$ 190,000</u>
Water Expenditures				
Bond payments for 2006 Reservoir and 2022 Well Projects	\$ -	\$ -	\$ -	\$ -
<i>Impact Fees Projected for Expenditures</i>	<u>\$ 156,000</u>	<u>\$ 100,000</u>	<u>\$ -</u>	<u>\$ 256,000</u>

**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. 2023~~2~~?, 202~~2~~3)

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 ~~utility fees as set by resolution. 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 EADU shall have a permanent concrete foundation, meet minimum uniform building code requirements, and not exceed one story above ground.
- Q. Before renting, an owner of an ADU shall first obtain a valid permit for the purpose of renting from Millville City. The unit will not be made available to rent without that permit. (Ord. 2023-?, 2023)

~~17.46.030: RENTAL PROVISIONS~~



- A. ~~An owner of an ADU shall first obtain a valid permit from Millville City 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)~~

~~17.46.0340: 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)~~

~~17.46.0350: PENALTY~~

In addition to applicable remedies for correction of non-compliance found in Millville City and Utah State Code, Millville City may charge a feehold a lien of up to \$1050 per day against a Millville City Code Title 17, Chapter 17.46

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. 2022³-, 2022³)

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. ~~The owner of a short-term rental housing owner~~ in Millville City 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~~23~~?, 2022~~23~~)

~~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. ~~Adequate~~ Off-street and off-right-of-way parking ~~must~~ 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 ~~thea~~ business license. (Ord. 2022~~3~~-?, 2022~~3~~)



AGENDA REPORT: INTERNAL ACCESSORY DWELLING FEES

Dec. 8, 2022

Background

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

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

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

Rate Comparison Between Residence and Residence with Apartment (IADU)				
Rates as of November 2022				
	Now		With Expected Upcoming Sewer Bill	
	Residence	With Apartment	Residence	With Apartment
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
TOTAL	\$100.00	\$155.00	\$184.00	\$323.00

*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 Nielsens could do to address specifics issues that most bothered the Munsons. For example, he said that maybe appointments could be taken to reduce the parking issues. Councilmember Wilker said that he would hope that there would be room for some compromise from both sides. He said that he liked the idea of the attorney being the arbitrator between the two parties. Councilmember Wilker said that he didn't sense that this Council was going to go and tell Craig to shut down his business.

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

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

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

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

Consideration of a Resolution Setting Fees for Multi-Family Dwellings

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

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

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

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

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

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

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

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

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

Dog License Fees

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

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

**MILLVILLE CITY
RESOLUTION 2021-3**

MONTHLY FEES FOR MULTI-FAMILY DWELLINGS AND APARTMENTS

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

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

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

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

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

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

SIGNED:

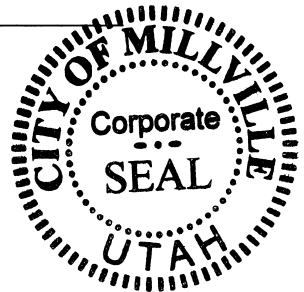


David Hair, Mayor

ATTEST:



Corey Twedt, City Recorder



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

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

Water Rate Charges for Apartments

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

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

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

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

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

Report on P & Z Meeting held January 21, 2021

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

Dear Counsel Members,

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

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

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

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

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

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

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

Thank you for your consideration,
Sincerely Linn Stuebner

Councilmember Zollinger motioned to table the BLA request until after the Council had more of an opportunity to understand what was intended for the property.

Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

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

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

Discussion on internal accessory dwelling utility rates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Report on P & Z Meeting held September 15, 2022

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

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