Milford City Council Meeting

Tuesday, August 16, 2016, 4:00 P.M.

Milford EMS Center, 880 North Main Street

Milford, Utah 84751

Members Present: Mayor Nolan Davis, Council Members Aaron Cox, Wayne Hardy, Les Whitney, Russell Smith, and Terry Wiseman

Absent: None

Staff: City Administrator Makayla Bealer, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, Attorney Leo Kanell, Jesse Ralphs – Sunrise Engineering, Riley Rose, Benjamin Stewart

Visitors (Official Roster): Brandon Yardley, Sherri Yardley, Alison Cox, Vincent Cox, Jennifer Cox, Jaynell Bailey, Bart Fisher

Call to Order

Mayor Nolan Davis called the meeting to order at 4:00 p.m. followed by the Pledge of Allegiance.

Recognition to Visitors Relating to City Business

1. Brandon Yardley – Discuss Purchase or Trade of Land West of the Sewer Lagoons

Mr. Yardley is interested in city owned property that is located west of the sewer lagoons, there are about 10.25 acres. He would like to purchase the grounds or possibly trade for a piece that they own across the tracks if the city would be interested in trading. When he spoke with Makayla she indicated that the city would probably be more interested in selling than trading so he does not have the actual area but believed it was only about 6 acres. They are looking at putting a pivot on their farm that borders city property and need that 10 acres in order to make it work. He was in attendance to see if the council was interested. The river channel runs about where the property line is. If they do put a pivot up they would be moving that channel over along the fence on the sewer lagoon, just around the bend of the pivot. There is concern of a pipeline that goes through there. He explained that they would work with all of the pipes, overflow pipes. They would leave enough room for the river channel to run when water is back in it again. Mayor Davis asked if the city would ever get into a situation where we would run that overflow into the sewer? Ben stated that he had never seen water all that far. Right now we are only using the first two. Mayor Davis then asked if there would be any environmental impacts if we started to use that overflow? Council Member Cox asked if the county had the rights to that canal. Mr. Yardley replied that he was not sure stating that no one wants to take control of the canal because it is flood control and when it is running they are pointing the finger at somebody else. They told the Yardley’s that it was the landowners responsibility to clean and maintain that. The Yardley’s asked the county for some help last time it was running, and they were good to come do a little bit but they weren’t going to get too serious about it. Council Member Whitney stated that he knew when there were issues with the canal out on the flat, the county would come in and clean those and maintain them. Attorney Kanell explained the water rights to the Beaver River when there is water in the canal and how they affect the county maintaining the canal. Mr. Yardley stated that he thought they (Yardley’s) cleaned the canal on the city property last time and it was in pretty good shape, there wasn’t a lot of vegetation because there was no water, it wasn’t a big deal. He stated that the Yardley’s purchased some ground like that last year for $700 per acre adding that they could offer $1000 an acre. They need the land but do have a backup if this does not work. This property is closer to the well and fits the farm a little nicer than plan B. Foreman Stewart was concerned with how close the canal would be to the sewer ponds. Mr. Yardley thought it would be far enough but they would make sure there was enough dirt up on the bank to not allow the water to come up, it would cause him harm too. He stated it should never touch the ponds, adding that the trick is to get in there early before the water gets there and get the canal cleaned out and ready for the water and then it is not usually a problem. The Yardley’s would make sure it was good and prevent any problems for the city in the future. Council Member Cox wanted to look at it but wanted to make sure it was okay with the county to move the river channel. Mr. Yardley responded that they have moved it twice already and were told by the county, “It is on your property, do what you want with it”. Council Member Cox asked Attorney Kanell for his thoughts. Attorney Kanell explained that the city would have to go through a process if we want to sell property, first holding a public hearing and it is a difficult environmental process to put in a sewer pond, so when you own property it would not be his advice to sell it because if you do have to go buy property for expansion then it is more difficult than when you already own the property. He did not see a problem with leasing the property. Any time you sell your property you are giving up control. Where it is so close to the sewer it makes him nervous that the neighbors will be having issues with the odor. It was his preference to lease property rather than give up ownership of it. Mr. Yardley stated they own property around the sewer lagoons right now and know what they are dealing with already. He just wants to know as soon as possible so he can move forward this fall. Council discussed concern with using the west property for future expansion due to the proximity of the river channel. Mr. Yardley cited that the city purchased another 15 acre parcel on the east side that keeps it away from the river. Foreman Stewart explained that it would be easier to expand into the existing pond where it is already set up to flow into it, if we had to. Mr. Yardley did not know what the restrictions would be on locating that close. Council Member Cox would also like to ride out and look at it as well. Mr. Yardley added that he had concerns with surveying the property asking the council if they were to enter into an agreement if the language could say that the property line would run along the west fence of the sewer lagoon. They won’t be building homes or anything like that, if they were they would have it surveyed. Council Member Cox asked Mr. Yardley if he would have any interest in leasing? Brandon explained that it would be tough to lease because they would be investing about $75,000 so if they leased it for ten years and then the city said they wanted the property back he would be out a lot of money and would have to go to plan b anyway. If they have to spend the money anyway he would like to save himself the hassle of having to move in the forward. Council Member Cox felt that we need to find out how close the river channel can be located. Brandon can try to find out how close it can be to an existing sewer lagoon. Jesse added that he could look into it as well.

1. Vincent Cox and Jennifer Cox – Discuss Quit Claim Deed

The Coxes have purchased a parcel of land just north of the old Milford Clinic. Vincent explained that when the survey was done it was found that there is a strip of the property, about 34 feet wide, that borders the highway that is owned by Milford City. They are proposing the city quit-claim the property to them. Attorney Kanell stated that the city had just met with UDOT to discuss a project for the installation of curb and gutter along there all the way to the corner. The city probably needs to go through that and then the next question is are you willing to contribute toward any of the curb and gutter in exchange for deeding you the property. Vincent Cox replied with yes. Jennifer Cox explained that they are going to be putting in a mechanic’s shop so in order to get their occupancy they would need to put in those improvements. Mr. Cox added that they would make sure it was brought up to code with curb, gutter, and sidewalk, they would take that responsibility. Attorney Kanell asked if they just wanted to pay for it or wait and see if UDOT will pay for any of it? The Coxes were okay with that, but without knowing any of that initially, they had already planned to take care of it if it was deeded to them. Attorney Kanell explained that UDOT wanted them to have access from the road on the south so that they would not be driving from the state highway. Is that something that could be worked out with your plans? Mr. Cox stated he had spoken with one of the state road representatives about the approach and he had looked over ideas that they had and he did not have any problems with the approach coming straight off of main street at a 90 degree angle and then anything from there would just be a bonus for access to the property. That is something that they would look at and work out. They would leave the old access for the ambulance open. Coxes are open to allowing the city to work with UDOT on the project, they want to do what is best for the business and main street. Makayla explained that the project could be a lengthy process but the city can keep them informed. The city will need to contact Lyncoln Cox. Council Member Whitney asked if the road between the old clinic and the property was a private road, it was his understanding that the road was put in as a private road for ambulance use only. The Coxes purchased the property which went all the way to the grass (old clinic), so that is primarily a private road right now. Attorney Kanell stated that was correct. The city does not want them to give up the road, just make a public access through an easement. He explained that if the city were to take it over the requirements of maintenance are higher than what would be expected if the property owners retain it. Jennifer Cox inquired if UDOT would close it off when they put in the curb and gutter and the only access would be that road, or would there be another access? Attorney Kanell stated that there would be two places that they could come in and out. Administrator Bealer explained that there would be an access into the old ambulance road which would provide access to both businesses. A public easement needs to be determined. Jennifer Cox asked if they were better off to wait and see what the state comes up with. Attorney Kanell replied that yes, it needs to be owned by the city in order to be included in the project. Council Member Wiseman said it could take a few years to get the funding. Milford City needs to get a cost estimate and submit it as soon as they can. Council Member Whitney stated that he didn’t want to hold the Coxes up. Council Member Wiseman explained that if the city tries to rush it through, the city will have to come up with part of the funding for the curb and gutter whereas if the state can do it in with their project, they will provide most of the funding. Scott Snow was going to look into how far out that project was and see if he can squeeze it into another project or something. Administrator Bealer asked for clarification – when the Coxes bought the property it includes all the property clear to the grass, the driveway? Vincent explained that it includes the driveway, the property goes all the way to the grass of the old clinic, to the north. Administrator Bealer cited that this would have to be discussed with UDOT, because if they (Coxes) decide they want to utilize that private drive for strictly their business, they can do that, but there will have to be another entrance into Lyncoln Cox’s business. Council Member Wiseman stated that there would be a 40 foot entrance down further to the south for Lyncoln’s access. Attorney Kanell clarified that UDOT wanted two ways to access for emergency purposes. The city needs to get an estimate and see how long the process is going to be. The details can be worked out with the Coxes one way or the other. (Brandon Yardley left the meeting at 4:47 PM). Council Members Whitney and Wiseman discussed the best approach coming off of highway 257. There were several conversations going on during this time. City Administrator Bealer asked for clarification for proceeding asking the Coxes if they want to wait and let the city work with UDOT. Mayor Davis stated that we still have to get it surveyed and get and estimate. Administrator Bealer cited that Council Member Wiseman has contacted the state and asked to have it surveyed, as soon as we hear back, if they are not going to send someone then the city will have to hire someone to survey the property. Mayor Davis asked the Coxes to give the city a month to work with UDOT and find out more on the project scope. Vincent Cox stated that they would wait and schedule another meeting with the council in the future.

Vincent and Alison Cox and Jennifer Cox left the meeting at 4:52 PM

Consent Issues

Consent issues including bills and payroll, Financial Report July 2016 and Minutes of July 19, 2016 Council Meeting and Public Hearing- Irrigation Water Rates were presented.

* *MOTION: Council Member Les Whitney moved to approve the consent issues as presented. Motion was seconded by Council Member Russell Smith. All were in favor, motion carried.*

New Business

1. Discuss Installation of Security Cameras at Milford Public Library

Tushar Contracting is two weeks out. Should have completed in 3 weeks. Kyle Blackner can give occupancy. The bid for changing out the door came in at $2,030.00. Security cameras were bid at $1900.00. There is $2030 in the budget, if the city were to put in the security cameras the door replacement would not be necessary. Council Member Wiseman wanted to leave the door as is and use it as an entrance and exit, putting in the security cameras. Administrator Bealer felt that there was a huge investment made to put the stairs in and they need to be utilized. If a citizen wants to utilize the stairs they should be able to. There was concern of having resources taken from the library, but with the restructure of the staffing, there should be two staff at the library at all times. If there is an issue, the security cameras can be pulled and reviewed. Council Member Cox asked how many cameras the bid included? Makayla replied there were four, which Roger felt should be sufficient for covering the entire library. He asked if it was expandable. Administrator Bealer to find out if expandable.

* *MOTION: Council Member Terry Wiseman moved to accept the bid and approve the installation of security cameras at the library. Motion was seconded by Council Member Les Whitney. All were in favor, motion carried.*

Sherri Yardley and Jaynell Bailey left the meeting at 4:59 PM

1. Discuss Central Air at the Senior Citizen’s Center

Staff at the center have reported that the kitchen is extremely hot so they are setting the AC thermostat to low in the dining room area but the kitchen remains hot. They wanted to know if a window mount swamp cooler could be installed in the kitchen. Matt Charron advised that you have to either use a AC or a swamp cooler, you can’t use both or it will defeat the purpose. She asked him to give a bid for an additional unit for the kitchen; it came in at $3,998.00. She explained that we don’t have that budgeted this year and it is getting to the tail end of the hot season so AC shouldn’t be needed much longer. This could be budgeted for next fiscal year and we could have it installed next spring. Council Member Smith proposed that it be put out to bid next spring and included in next year’s fiscal budget.

1. Discuss Pavement Preservation Project at Milford Airport

State of Utah has approved the Milford Airport for a pavement preservation project for FY 2017, but are flexible with the timing. The work will commence in the Fall of 2017 to allow the city to budget the $14,000. Armstrong Consultants is working on the draft scope including the schedule, cost, and drawings. Mayor Davis asked Administrator Bealer to check with Armstrong to see if there is any FAA Funding available to help off-set the city’s cost.

1. Approval of Hiring of Library Personnel

Nichole Christensen was selected for the 7 hour per week Programming Coordinator and started on August 8th and Cynthia Carter was selected for the 29 hour per week Library Assistant and will start August 29th.

* *MOTION: Council Member Les Whitney moved to approve the hiring of Nichole Christensen and Cynthia Carter as part time help at the Library. Motion was seconded by Council Member Aaron Cox. All were in favor, motion carried.*

1. Discuss and Action on Backhoe Lease with John Deere

The annual lease with Honnen Equipment came back with a lease payment increase to $6500.00. The payment last year was only $891.00. Council discussed options involving both lease and purchasing and the pros and cons of each option. Council Member Cox stated that we would need to know the transportation costs of returning the backhoe to Honnen. Mayor Davis cited that even with the considerable increase in lease payment, the city would not be out anything but about $7200.00 and would have a year to figure it out if we continued with the annual lease with Honnen Equipment.

Bart Fisher entered the meeting at 5:25 pm. Lisa Thompson left the meeting.

* *MOTION: Council Member Wayne Hardy moved to approve for the city to continue the annual lease with Honnen Equipment at $6,500.00 for one more year for 300 hours of use. Motion was seconded by Council Member Russell Smith. All were in favor, motion carried.*

Council discussed what budget items could be cut with Foreman Stewart and Administrator Bealer. Ben stated that they have never had winter salt, and if we cut that we won’t need the sander. Mayor Davis recommended that the winter salt, street signs, sander for the one-ton, and flashing speed limit signs be cut from the budget and all items be put back on the list for FY 2017-2018 budget. Ben was in agreement.

* *MOTION: Council Member Aaron Cox moved to cut the winter salt, street signs, sander for the one-ton, and flashing speed limit signs from the FY 2016-2017 budget to allow for the annual lease payment on the back hoe. Motion was seconded by Council Member Les Whitney. All were in favor, motion carried.*

Old Business

1. Discuss Water Improvement Project

Mayor Davis stated he has had a lot of concerns. Then Attorney Kanell called him and expressed his concerns that the city may be rushing into too much. The concerns being that it would result in a rather large rate increase for the citizen’s. We are currently offering ServLine protection and would like to have our consumers covered; there are concerns with adding too much at once. Interim financing: It was felt that the city could plan for the up-front cost and not have to do the interim for that portion. Radio read meters: there is nothing to off-set the cost, although there is a huge benefit in being able to read all twelve billing periods, it would provide time savings for the crew and staff, and water leaks would be discovered a lot quicker especially in the winter; SCADA System: the power outage on the 24th of July cost the city time and resources that could have been better utilized.

Administrator Bealer suggested waiting until the audit was received to see where the city was at on water. Jesse Ralphs stated he was still in favor of a rate increase anyway to build the fund up for when the project did move forward. Council Member Cox asked Jesse if the city was to do the radio read meters on its own would they be able to. Jesse explained that they could do that independent of the project without having to upgrade the setters and meters. Council Member Cox stated that the city has one well, no backup generator, and we are running at full capacity. That is where the focus should be. Jesse stated that there was a benefit to doing it all at once. Council Member Cox cited that he would like to see the entire project done at once – it is old infrastructure and it would be time saving. We are watching old systems and spending a lot of money trying to maintain them. Makayla asked if they wanted to wait until the audit came back and go from there, it should be back in November. Jesse cited that there have been some engineering costs accrued with project development on this over the past six months, they would just ask that if the city decides to put the project off, if they could just roll that over to the general engineering contract. The intent was that it would have been paid off with the project funding, but if we can roll that over to the general engineering contract so we could be compensated for the time that has been put in up to this point. Mayor Davis said yes.

Council Member Hardy asked to be excused at 5:53 PM.

1. Community Center Update

City Administrator Bealer stated that we need to decide what course of action we are going to take. We have discussed demolition, moving to Main Street, and the old hotel. Mayor Davis stated that there are astronomical costs associated with bringing it up to code and to meet earthquake requirements. No businesses that are currently paying a couple of hundred, if that much, in rent are wanting to pay the amount that would be required for commercial lease. They will go back to home occupations. He added that if the city goes with something downtown there is still funding needed for demolishing the old building. Council Member Cox stated that there are still health concerns at 26 South 100 West, homeowners that are wanting to sell their homes and move because of the bats. Council Member Whitney cited that the old hotel needs to be taken out of the equation and the city needs a long term commitment from the county. The council needs to determine how they are going to move forward and then go to the county. If the county wants to participate, they need to give the city a long term commitment, they would need to determine what space they need, design it, and then they will pay for their portion. Discussed the possibility of the post office leasing space as well. Council Member Whitney stated he felt it was time to make a decision and stop sitting idle.

* *MOTION: Council Member Les Whitney moved to proceed with demolition at 26 South 100 West and rebuild with the new proposal as presented, inviting Beaver County and having them design their portion and also seeing if the post office is interested in leasing space. Motion was seconded by Council Member Russell Smith. All were in favor, motion carried.*

1. Burrow Blocker Machine Update

Mark Nelson with the USU Extension office does not feel that this machine would work for Milford City. There have been no reviews done by universities anywhere and the only feedback on the machine is coming from the manufacturer. He recommended a PERC machine. The Wiseman’s and the Yardley’s have recently purchased this machine and have had good success rates with it. Administrator Bealer cited that there is no money budgeted for this issue so would like to see something on the next year wish list. Attorney Kanell inquired if the farmers would be interested in allowing the city to lease or rent the machine to see if it works. Administrator Bealer will contact them to see if that is a possibility and report back.

Ordinance and Resolutions

* 1. None

Staff and Council Reports

Leo Kanell ~ City Attorney

* Trying to get the county to look at a separate tax levy for law enforcement. He has a resolution drafted that would be passed following the public hearings. We need to start talking to the public, particularly the Milford City residents. Would like to pass the resolution in September or October, after a public hearing, and also send the materials to Beaver City. The idea is that if the county were to raise their taxes a certain percentage, and the city were to lower their property taxes the same percentage, then our citizens would come out about equal. Doing that, we would eliminate the payment for police services and everyone in the county would pay the same amount for police services; it would be a county wide function, just like we do for the libraries, recreation, garbage, fire. So if we could get this set we wouldn’t have to worry about it again. The resolution includes all arguments supporting why we want to do it. We really need the people in the communities to agree that it is how we want to move forward. He has all the taxing and assessments for this year. Craig Wright, Beaver City Mayor, is behind it. We will need to schedule the public hearings. Makayla will email the resolution to the Council and staff.

Attorney Kanell asked to be excused at 6:30 pm.

Makayla Bealer ~ City Administrator

* Lindsay Cheney has contacted the city to see if we were interested in expanding the cemetery to the south. She’d had some soil samples done on her property. Makayla let her know that the property was already determined to not be usable for the cemetery.
* She has been preparing the audit, the auditor will be on site the 23rd.
* The shed and tower have been removed at the airport.
* Street maintenance will be taking place August 29 and 30.
* An individual residing in the trailer park on 500 West had applied for a building permit as they had built a shed/bedroom on the trailer without a permit. While the building official was up there it was discovered that a lot of structures had been placed throughout the park. Inspections have taken place at the trailer parks. They have compiled a complete list of findings and will be asking the property owners to take corrective action to make the parks safe for the public. Those present for the inspections were: Chief Les Whitney, State Fire Marshall Todd Hobhein, and both Beaver County Building Officials Kyle Blackner and Jared Gillins. Lisa Thompson was also on site to document the findings. A list of improvements needing to be completed was compiled.
* Administrative Assistant Thompson had expressed that the Planning and Zoning Board was having a hard time getting their members to attend. They are in important part of the success of the city. Lisa had attended a training and found that a lot of municipalities will offer an enticement. Administrator Bealer asked if this was something we wanted to implement. She suggested that if the members attended so many meetings they would receive a recreation pass. She asked the council to think about it and it would be revisited in a future meeting. Council Member Whitney added that he felt that summer activities seem to impede the attendance of these volunteers. Council Member Cox supported the idea of offering a pass to the Board of Adjustments and Planning Commission members. Makayla stated that it wouldn’t be a direct cost to the city. Council Member Cox cited that these volunteers take a lot of heat on behalf of the city. Makayla suggested setting it up in a resolution that they have to attend a percentage of the meetings during the calendar year and give them the option of either a swim pass or a golf pass. Council thought it was a good idea. A resolution will be presented at a later date.

Monica Seifers ~ City Recorder

* No reports or comments.

Lisa Thompson ~ Administrative Assistant

* No reports or comments.

Ben Stewart ~ City Foreman

* No reports or comments.

Bart Fisher commented from the audience that Ben and the crew did an excellent job with the sock and light out at the airport stating that it was working out really good; they did a good job.

Council Member Aaron Cox ~ Water, Public Safety and Law Enforcement, Beautification

* Contacted Kiley Maycock regarding the ATV’s and he will be getting a report together for the council. The report will show how many stops, etc. He was unable to get it for today’s meeting, but should have it for the next meeting.

Council Member Terry Wiseman ~ Library, Streets

* Inquired where we were on the property for the well. Makayla explained that Blake Williams did not want to pay to have a survey so they were hoping to get a description from the well logs and then deed the property to the city. The city would then file the application on the water rights. The information on the well logs did not work out, so Larry Maycock stated that he had Magleby survey the land and he could get us a description within a week. He would send it to Leo who would prepare the documents. It is unknown whether or not Attorney Kanell received it or not. Council Member Cox stated that he talked to Blake Williams earlier today and he was close to having everything.
* Reported he has heard a few complaints on the excavation that took place by a private contractor on 100 East, he has asphalted part of it but left the other exposed. Council Member Wiseman felt he had more than enough time to take care of it. Foreman Stewart reported that the contractor had not ordered enough material and he will follow up and see that it gets taken care of.

Mayor Davis ~ Waste Management, Economic Development, Five County Steering, LIC Committee

* No reports or comments.

Meeting Adjournment ~ *As there was no further business the meeting adjourned at 6:41PM.*

**APPROVED by City Council this 20th day of September, 2016.**

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**MONICA D. SEIFERS, City Recorder**