



Mayor
Nolan Davis

City Administrator
Makayla Bealer

City Council
Russell Smith
Ian Spaulding
Scott Symond
Les Whitney
Terry Wiseman

NOTICE AND AGENDA

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Milford, Utah will hold a regular meeting at **4:00 PM** at the **Milford City Administrative Office, Council Chambers, 26 South 100 West, Milford, Utah** for the purposes described below on **Tuesday, August 15, 2023**.

1. MAYOR'S WELCOME & CALL TO ORDER: Roll Call & Pledge of Allegiance

2. VISITORS

- a. Travis Hollingshead – Bever Housing Authority Development Update
- b. Chris Katis / Dr. Moore – FORGE update
- c. Pat Cullen - FERVO update

3. CONSENT ISSUES

- a. Financial report: July 2023
- b. Approval of bills and payroll
- c. Approval of Minutes: July 18, 2023

4. NEW BUSINESS

- a. None

5. OLD BUSINESS

- a. 150th celebration update
- b. Culinary water project update

6. ORDINANCE AND RESOLUTIONS

- a. Ordinance 03-2023 Purchase of Burial Plot Rights

7. COMMENTS

- a. Staff member reports and comments
- b. Councilmember reports and comments

8. ADJOURNMENT

Notice: The City Council may adjourn to Executive Session pursuant to the provisions of §52-4-204 and §52-4-205, Utah Code Annotated (1953), as amended.

CERTIFICATE OF DELIVERY & POSTING

I, Monica D. Seifers, duly appointed and acting City Recorder do hereby certify that the above Notice and Agenda was posted in three public places within the Milford City Limits on this 10th day of August, 2023. These public places being 1) Milford City Office; 2) U.S. Post Office; and 3) Milford Public Library. The foregoing Notice and Agenda was also delivered to each member of the governing body and posted on www.utah.gov/pmn and linked to www.milfordcityutah.com and the Milford City Facebook page.

In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Request for assistance can be made by contacting the City Recorder at 435.387.2711 at least 24 hours in advance of the meeting to be held.

***City Council Members or the Mayor may participate in the public meeting electronically and/or telephonically.*



Milford City Council Agenda Request Form

This form must be submitted by Noon the Wednesday prior to the Council Meeting

REQUESTOR'S NAME (Print legibly) : Pat Cullen

ORGANIZATION (if applicable): Fervo Energy Company

ADDRESS: 114 Main Street, 2nd Floor, Houston TX 77002

PHONE : CELL PHONE: 484-758-9359

E-MAIL ADDRESS: pat.cullen@fervoenergy.com

To be used if additional information is required and to provide you a copy of agenda. Agenda will also be posted on www.utah.gov/pmn. You may Subscribe to Milford City Council notices using this website. By subscribing, you will be notified of all postings made by Milford City Council to the website, in compliance with Utah State Law.

Date Requesting to Attend 15 Aug 2023 Amount of Time Requested
15 minutes

TOPIC TO BE ADDRESSED (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what **action** you are requesting of the Council) :

Fervo Energy Company respectfully requests to be able to provide a development update on the progress that has been made at our Cape Station project. No action is requested.

IS YOUR PRESENTATION REQUIRING ACTION OF THE COUNCIL OR IS IT ONLY PROVIDING INFORMATION? (check one): REQUIRES ACTION ☐ INFO ONLY ☒

PLEASE DESCRIBE DESIRED OUTCOME: Informational update only.

ARE WRITTEN MATERIALS TO BE PROVIDED TO COUNCIL (check one): YES ☐ NO ☒

IF YES, I HAVE PROVIDED 11 COPIES AND EMAILED AN ORIGINAL TO THE CITY RECORDER Initial here

CONTINUED ON REVERSE

IS FUNDING FROM THE CITY BEING REQUESTED? (check one) YES ☐ NO ☒

IF YES, WHAT IS THE ESTIMATED COST TO THE CITY: _____

PLEASE PROVIDE DOCUMENTATION SUPPORTING YOUR ESTIMATE

Note: Separate requests must be completed for each topic presented.

INSTRUCTIONS – PLEASE READ CAREFULLY

This request must be submitted to the City Recorder no later than 3 pm the Wednesday prior to the City Council Meeting. Meetings are held the 3rd Tuesday each month. Applications submitted after the deadline, if complete, will be placed on the following City Council Meeting agenda.

Return completed form and 12 printed copies of handouts to:

City Recorder
PO Box 69, 26 South 100 West
Milford, UT 84751

Handouts may be e-mailed prior to deadline for agenda. E-mail to:
mseifers@milford.utah.gov by Noon the Wednesday prior to meeting.



3 Aug 2023

SIGNATURE

DATE

OFFICE USE ONLY

Date Rec'd by City Recorder: 8.4.23

Info Complete : YES ☒ NO ☐

If no, what info is required: _____

Approved for Agenda : YES ☒ NO ☐

If no, reason for denial: _____



Milford City Council Agenda Request Form

This form must be submitted by Noon the Wednesday prior to the Council Meeting

REQUESTOR'S NAME (Print legibly) : Christopher Katis for Dr. Joseph Moore

ORGANIZATION (if applicable): Utah FORGE

ADDRESS: 423 Wakara Way, Ste. 300, SLC, UT 8410

PHONE : 801-718-8551 CELL PHONE: 801-718-8551

E-MAIL ADDRESS: ckatis@egi.utah.edu

To be used if additional information is required and to provide you a copy of agenda. Agenda will also be posted on www.utah.gov/pmn. You may Subscribe to Milford City Council notices using this website. By subscribing, you will be notified of all postings made by Milford City Council to the website, in compliance with Utah State Law.

Date Requesting to Attend August 15, 2023 Amount of Time Requested
20 mins

TOPIC TO BE ADDRESSED (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what **action** you are requesting of the Council) :

Provide an update about activities that recently completed at the Utah FORGE site.

IS YOUR PRESENTATION REQUIRING ACTION OF THE COUNCIL OR IS IT ONLY
PROVIDING INFORMATION? (check one): REQUIRES ACTION ☐ INFO ONLY ☒

PLEASE DESCRIBE DESIRED OUTCOME: Provide an update about activities that recently completed at the Utah FORGE site.

ARE WRITTEN MATERIALS TO BE PROVIDED TO COUNCIL (check one): YES NOX

IF YES, I HAVE PROVIDED 11 COPIES AND EMAILED AN ORIGINAL TO THE CITY

RECORDER Initial here _____

*****CONTINUED ON REVERSE*****

IS FUNDING FROM THE CITY BEING REQUESTED? (check one) YES ☐ NO ☒

IF YES, WHAT IS THE ESTIMATED COST TO THE CITY: _____

PLEASE PROVIDE DOCUMENTATION SUPPORTING YOUR ESTIMATE

Note: Separate requests must be completed for each topic presented.

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PO Box 69, 26 South 100 West
Milford, UT 84751

Handouts may be e-mailed prior to deadline for agenda. E-mail to:
mseifers@milford.utah.gov by Noon the Wednesday prior to meeting.

Christopher Kattis

July 13, 2023

SIGNATURE

DATE

.....
OFFICE USE ONLY

Date Rec'd by City Recorder: _____

Info Complete : YES ☐ NO ☐

If no, what info is required: _____

Approved for Agenda : YES ☐ NO ☐

If no, reason for denial:

**Milford City Council Meeting
Tuesday, July 18, 2023 4:00 PM
Milford City Hall, 26 South 100 West
Milford, Utah 84751**

Members Present: Mayor Nolan Davis, Council Members Ian Spaulding, Scott Symond, Les Whitney, and Terry Wiseman.

Absent: Council Member Russell Smith

Staff: City Administrator Makayla Bealer, City Recorder Monica Seifers, Attorney Leo Kanell, and Foreman Benjamin Stewart

Visitors (Official Roster):

Karen Nelson, Gina Mayer, Craig Thompson, Amy Contreras, Ken Shelley

Call to Order

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

Visitors

a. Karen Nelson and Gina Mayer – 150th Committee seeking volunteers and the city's help with the celebration

Karen reported they have put in many hours preparing the celebration. The history book turned out amazing and Gina has put a lot of work into it. There are a lot of fun activities planned but we need lots of help. The committee has 12 members and some of them are in their 70'; the committee could really use some volunteers. Gina stated that the EMTs will manage the water stations on Saturday; she asked if the mayor and council members could help set up the water stations. All events will require cleanup if members can help with that. The tailgate party on Friday is until 5:30 – that will need to be cleaned up. The carnival is scheduled to run until 4 pm on Saturday, then they will need cleanup for that. Council Member Spaulding entered at 4:07 pm. The committee members will be busy with events and selling merchandise, etc. and could use all the help they can get. The city chairs will be going to the pavilion. Milford True Value has about 200 chairs and 18 tables they are donating the use. If the city crew could help move those that would help a great deal, the tables and chairs that need to be moved from the city office could maybe be moved Thursday to the pavilion or even moving them Monday would help. Council Member Spaulding said they could talk to the crew and see about availability and coordinate water scheduling as well. Karen reported that the committee and volunteers cleaned up the historical park really well last night and there is a lot of debris that needs to be hauled off if the city crew can help remove the piles. Another thing that we need to move is the bleachers from the baseball field. There are two that need to be taken to the library for the pageant. Community pride day has been scheduled for August 22; the schools have been recruited but we would like to see the community really get involved. Council member Spaulding is helping with the sound system for the lighting of the tower. The committee will be hanging updated posters and display banners and signs will be displayed. The windows will be painted in the downtown district in an effort to spruce it up. Jen Wakeland with Beaver County Tourism had them do a little segment for Road Trippin' yesterday, it will air on Friday. Gina thanked the staff stating they have put in a lot of time above and beyond the hours in the office preparing for this celebration.

45 Mayor Davis and his family have done a lot of volunteering. Much appreciation goes to Les Whitney
46 and Matthew Davis who rebuilt the spokes on the carts. Karen cited that the Historical Park was
47 forgotten, it was overgrown and she felt guilty because her mom had worked so hard on it and she
48 never really gave it much thought until this committee started planning for the celebration. A lot of
49 donations and volunteers made it happen 50 years ago as well as refurbishing it this past year. Mayor
50 Davis is grateful to the community and volunteers, there have been numerous hours put in by the
51 community members. The history book looks great and turned out fabulous. He thanked Gina and
52 Karen and the committee stating that the celebration will all come together and the council will help.

53
54 **b. Amy Contreras – Discuss City Ordinances**

55 Amy Contreras who resides at 365 South 500 West came to address the topic of city ordinances. She
56 had been turned in by her neighbor for her fence, which she knew was not in compliance (it did not
57 meet setback requirements). She wants to point out there are a lot of city ordinances that are not
58 upheld, she did not think anyway. She stated that there are fences like hers everywhere. What are
59 we doing about ordinances that are not followed? How are we tracking them? How are we holding
60 the homeowners accountable? Landscaping ordinance – she and Mayor Davis have discussed this
61 ordinance but it is a concern of hers. Are we collecting fees for non-compliant properties? What is
62 that process and who is accountable? Animals within the city limits/roaming dogs - who is
63 responsible for enforcing, is it the city, the dog catcher, or the sheriff's department?

64
65 Mayor Davis responded to the landscaping ordinance by explaining that the city cannot go onto
66 private property. It is difficult to do by that ordinance, we end up using the nuisance ordinance. We
67 try to enforce these ordinances but once it goes to the judge it is out of the city's hands. Council
68 Member Spaulding added that many cities have an enforcement officer. Milford City relies on
69 complaints being filed. Mrs. Contreras asked if the city was in a financial position to hire an
70 enforcement officer so it is not just neighbors complaining against each other. Mayor Davis discussed
71 with the former sheriffs (Yardley and Noel) trying to find code enforcement options and neither of
72 them were interested. There are not enough fees generated to cover the expense of a code
73 enforcement officer so it really hasn't been discussed. They have talked about a part-time employee
74 but it would be hard to find someone in the community who wants to go out and start the process
75 with neighbors. Amy stated she could see that would be a problem because the minute you start the
76 process you become the bad guy. Mayor Davis stated we a lot of ordinances that can be enforced
77 by the sheriff's department and that is the approach we are wanting to take, to get a better
78 relationship with them. Any issues with the dog catcher need to be directed to the sheriff's
79 department. Amy asked if she should be calling dispatch about the cats. Council Member Spaulding
80 replied that would probably be the best approach. Amy stated that it seemed silly that she was at
81 city council complaining about cats but as a tax-paying citizen she feels there are dangerous
82 situations and things are not being enforced. As a city (or law enforcement, animal control, etc.) we
83 have an obligation to act and make a difference. Motorcycles and four-wheelers are a problem too.
84 Council Member Spaulding – maybe instead of looking at the aggregate of the ordinances, we just
85 pull 2-3 of the priorities and start there, focusing on the biggest complaints. Mrs. Contreras stated
86 that she does not blame Lisa for doing her job; she can see that the process is not working. To have
87 it hit the court and the judge just dismiss it is frustrating. Mayor Davis has reviewed the files with
88 Lisa and reported that it is very time-consuming. The follow-up is also very time-consuming. Over
89 the years we have had people get involved with beautification and they see the amount of work and
90 the backlash from the neighbors and end up leaving the board. This is a tough situation and there is

no easy fix. Mrs. Contreras stated that we pay taxes and we need more support from the sheriff's department. Mayor Davis supported getting a meeting with the department to see what we can get going to cover these concerns. Mayor Davis has had an ongoing campaign to get motorbikes off the city streets; it has been a safety issue for years and he has asked for an officer time after time. Amy recalled getting picked up by Chuck Johnson when she was a kid and it made an impact. Administrative Assistant Thompson addressed the animal ordinance explaining that the allowances were put in place when she came to work for the city to get it enforced by animal control. The city was told that they could not enforce something that was not in our code so she worked with Tony Fusco on the ordinance so they would have something that could be enforced. She felt that the city did its part, we implemented the ordinance, but we cannot make animal control enforce it. Nobody wants to be the bad guy; everyone wants to put the blame on somebody else. Sadly, the city ends up taking the brunt of it regardless of who is involved. We are doing our best to make things work and to work with people. Mrs. Contreras agreed and felt that the city needed support from animal control, the sheriff's department, and the judicial system. She understood that the city staff gets the brunt of it and she apologizes for that, she just would like to know where we can use our tax dollars to better serve this community. She will be calling Clint Bradshaw about the cats and the roaming dogs and encourage her family to do the same if that is any help. Recorder Seifers cited that she had been told by Sheriff Noel to call dispatch and have the animal control issues logged rather than contacting animal control directly. Gina Mayer added that she has been in the office a few days a week since the first of the year and she has seen the amount of work the office staff does so she doesn't think they have a ton of time to work on ordinances. Council Member Spaulding agreed but felt we could start with 1-2 of the top priorities and asked Amy what her biggest concerns were. Mrs. Contreras stated animals and four-wheelers were her biggest complaint. Attorney Kanell added that it can be difficult to go onto people's property and into their homes when trying to deal with animal complaints. It can be difficult to address but they are able to do it.

c. Kenneth Shelley – Caboose Park Visitor Center Discussion

Mr. Shelley was working on the caboose a few weeks ago and reported there were a few people who stopped by wanting info on tourism. He suggested removing the open during summers from the door. He asked about the kiosk, and who owns it. He suggested using the kiosk with a street map with the hospital, stores, gas stations, etc. to use it as an information center. Council Member Spaulding recalled when the Travel Council had it, there was funding for running it. We could ask the Travel Council what things are available. Mr. Shelley loves Milford and would love to share it with people coming through. In the two days he was working at the caboose he had about a dozen people stop by. Council Member Symond will discuss opportunities for resources with Jen Wakeland.

Consent Issues

a. Consent issues including bills and payroll, Financial Report for June 2023, and minutes of the June 27, 2023 Emergency Meeting, June 28, 2023 Special Meeting, and June 28 2023 Council Meeting and Budget Hearing were presented.

- ***MOTION:*** Council Member Les Whitney moved to approve the consent issues as presented. The motion was seconded by Council Member Scott Symond. All were in favor, the motion carried.

New Business

a. Consideration of Quit Claim Deed for Blake Williams' Replacement Well

Attorney Kanell reported the deed was not ready. He has not been able to get a legal description that he can use. He had talked to Blake who was going to get with Jeremy to get it. He will follow up so he can get the deed done.

- **MOTION:** Council Member Les Whitney moved to table the quit-claim deed. The motion was seconded by Council Member Scott Symond. All were in favor, the motion carried.

Craig Thompson left the meeting at 4:45 PM

b. Discuss Rural Community Development Grant

Administrator Bealer reported that Colette Cox had provided funding options through Rural Community Grant Programs. She suggested starting with Industrial Park Improvements. The application period opens in August. Streets will need to be measured in the IP; she can work with Foreman Stewart to get that started. Council Member Symond wants to look more into beautification for the town. Makayla would like to focus on one grant so we can look into multiple but the council will need to decide. Mayor Davis felt that the Industrial Park was worth pursuing with the Inland Port project. Administrator Bealer stated she and Foreman Stewart will start looking at information gathering for the Industrial Park. Mayor Davis asked if Makayla was working with Jen on the Business Beautification Grant. Makayla reported that we have the applications on hand in the city office and we are waiting for a flyer from Jen's office.

c. Building Inspection Agreement with Beaver County

Administrator Bealer reported that the county has presented the city with a new agreement. The previous agreement is from 1994 so there is a need for an update. The current quarterly cost is \$3,826 and the proposed cost \$8,000 per quarter. The current percent of retainage is 40%, and the proposed is 10% retained by Milford City and 90% retained by Beaver County. Makayla has included a spreadsheet in the packet to show what issues this could cause for the city down the road. Milford City may want to consider adopting an administrative building permit fee that we could add to help cover our administrative costs. With the current agreement, Milford City collected \$685; with the proposed structure, Milford City would be sitting at a negative \$6,022. Milford City does not have the means to hire an inspector with a benefit package. We want to stay with the county but we need to look at how to recap the loss. Council Member Spaulding and Council Member Whitney agree with Makayla that we should stay with the county but need to get better figures to keep the fees affordable and avoid a loss to the city. Mayor Davis encouraged the members of the council to come up with some proposed fees for the next meeting.

d. Approval of Hiring Library Assistant

Jaynell Bailey resigned from the library to make her family a priority. Sherri Vetsch was hired as her replacement and has been a good fit for the library.

- **MOTION:** Council Member Les Whitney moved to approve the hiring of Sherri Vetsch as the Library Assistant. The motion was seconded by Council Member Scott Symond. All were in favor, the motion carried.

e. Approval of Planning Principal Forgiveness Agreement for lead service line inventory with the State of Utah

Administrator Bealer reported the Build America Back Better program required an inventory of municipal service lines. Milford City applied for a grant to allow us to do a study for lead service lines in accordance with federal regulations and received a \$90K planning loan with \$90K in principal forgiveness for the Milford City water system. Sunrise Engineering has been approved as the engineering firm, and they are already the city engineers. There were several questions. Administrator Bealer explained that she could not answer those specific questions but she believed the federal government was working on the details and funding availability for water systems that need extensive correction measures. At this point, they are wanting the studies done. The city cannot apply for any corrective funding until we do the inventory first. The state is providing \$90K to perform the inventory study. Council Member Spaulding summarized that the city has no obligation beyond the \$90K.

- **MOTION:** Council Member Ian Spaulding moved to authorize Administrator Bealer to sign the agreement. The motion was seconded by Council Member Les Whitney. All were in favor, the motion carried.

f. Presentation of Bids for Surplus Property

There was one bid received for the approximate 75 feet of 6' high chain link fence. The bid was submitted by Dallan Murdock for \$5.00.

- **MOTION:** Council Member Scott Symond moved to accept the bid submitted by Dallan Murdock in the amount of \$5.00. The motion was seconded by Council Member Les Whitney. All were in favor, the motion carried.

Old Business

a. Milford 150th Celebration update

No additional reports.

Gina Mayer left at 5:13 PM

b. Culinary water project update

Administrator Bealer reported that Milford City is looking at a security system for the water system using contingency funds. She and Foreman Stewart met with IT and the engineer today to start the discussion. She will report when more info is gathered.

Terry Brotherson is working on the punch list. SCADA still has a few items to work out.

Staff and Council Reports

Administrator Bealer

- Finished up the airport project today.

Administrative Assistant Thompson

- The property located at 743 South 100 West is getting overgrown. The property owner has been provided their 30-day notice as well as the ten-day notice. It has gone out to bid for the property cleanup. The bids are due July 21 with the work being completed by August 11. Mayor Davis

asked how the fees would be collected if the property owner does not pay. There would be a tax lien filed against the property.

Council Member Symond

- We had a great 4th of July, the parade was good.

Council Member Whitney

- ICS training. We will have high-tech communications trailer we want to setup for the 150th celebration. It will improve communications for the sheriff's department and EMS. They looked at different sites to locate and felt that by the water tank would be a good fit but wanted it inside the fence for security. They are seeking permission to place it there. Mayor Davis did not have any issues with approving the location. The city crew did not have any concerns, if there were any issues with the SCADA system, we can work through them.

Foreman Stewart

- The crew will be chipping on August 2 and August 3. He would like to double chip seal the half street on 700 West between Center Street and 100 North. He put some figures together and presented them to the council to do a double chip seal, maintain the chip seal, and to just maintain the gravel. The oil to chip over the dirt would cost an extra \$70 per ton and 15 ton of oil would complete that part. The total for the initial chip seal and oil would be \$15,100. To maintain the chip seal (on a 7-year rotation) would be \$7,250. To maintain gravel would be \$4,000 annually (every three years adding about 4 inches of road base, mag chloride, and grading to maintain it). The half streets are a pain to grade and plow snow. There has been discussion in the past about these half streets but it could end up saving the city money and time. Council Member Spaulding did not disagree with the logic and supported the streets schedule. He recommended taking serious consideration of the recommendation, comparing it against the budget. Administrator Bealer reported that there is \$73K budgeted for oil and chips this budget year, she asked for clarification on the numbers he provided. Crew Member Rose suggested taking one year and only doing half streets. Foreman Stewart and Administrator Bealer can get two scenarios put together for the street budget and schedule and email them out to the council. Mayor Davis also supported the suggestion.

Mayor Davis

- Mayor Davis and staff met with Sunrise Engineering and Beaver County where a county-wide General Plan was proposed. He felt the meeting was very productive. Administrator Bealer explained that the county will be compiling all the feedback from the cities and emailing it out. The discussion focused on transportation on Milford's Main Street and looked at different truck routes. There was a good discussion about the future growth of Milford as well. The draft plan will be sent out for the cities to review.

Meeting Adjournment ~ as there was no further business the meeting adjourned at 5:38 PM.